

NATIONAL CENTER FOR STATE COURTS

***MICHIGAN TRIAL COURT
CONSOLIDATION
DEMONSTRATION PROJECTS***

EVALUATION REPORT
January 1, 1996 – December 31, 1998

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This document was prepared in accordance with Task Orders NCSC-04 (June 7, 1996) and NCSC-06 (March 10, 1998) under Agreement No. SCAO-94-28 (September 5, 1995), between the Michigan State Court Administrative Office and the National Center for State Courts. The points of view expressed are those of the project evaluators and do not necessarily reflect the official position or policies of the Michigan Supreme Court, the Michigan State Court Administrative Office or the National Center for State Courts. The Michigan State Court Administrative Office grants the National Center for State Courts a royalty-free, nonexclusive license to use this document if it enters the public domain.

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TABLE OF CONTENTS

	<u>Page</u>
Executive Summary	vii
I. Introduction	1
A. Michigan Supreme Court Program for Reforming the Judicial Branch	1
B. Michigan Courts, 1996 Public Act 388, and the Broader Context of Trial Court Consolidation	3
C. Michigan Trial Jurisdictions Selected as Demonstration Sites	7
D. Demonstration Project Evaluation	13
II. Criteria for Evaluation of Demonstration Projects	15
A. Core Criteria for Evaluation of <i>All</i> Demonstration Projects	15
B. Special Criteria for Evaluation of <i>Particular</i> Demonstration Projects	25
III. Evaluation Findings and Conclusions	38
A. Evaluation Findings under Core Evaluation Criteria	38
B. Overall Evaluation Conclusions	46
 Appendices - Individual Demonstration Project Evaluation Summaries	
46th Circuit	A-2
Barry County	B-2
Berrien County	C-2
Isabella County	D-2
Lake County	E-2
Washtenaw County	F-2

LIST OF TABLES

	<u>Page</u>
Table 1. Jurisdiction of Family Division of Circuit Court Under 1996 Michigan Public Act 388	5
Table 2. Judges and Court Facilities in Demonstration Project Jurisdictions	9
Table 3. Socioeconomic and Demographic Characteristics of Demonstration Project Counties ..	10
Table 4. Core Evaluation Criteria for Assessment of <i>All</i> Demonstration Courts	16
Table 5. Michigan Time Guidelines for Circuit Court, District Court and Probate Court Cases ..	21
Table 6. Mjpc Assessment in 1995 of How Stakeholders Evaluated the Courts' Performance in Michigan	23
Table 7. Special Evaluation Criteria for Assessment of 46th Circuit Demonstration Project	26
Table 8. Special Evaluation Criteria for Assessment of Barry County Demonstration Project ...	28
Table 9. Special Evaluation Criteria for Assessment of Berrien County Demonstration Project ..	30
Table 10. Special Evaluation Criteria for Assessment of Isabella County Demonstration Project ..	32
Table 11. Special Evaluation Criteria for Assessment of Lake County Demonstration Project ...	33
Table 12. Special Evaluation Criteria for Assessment of Washtenaw County Demonstration Project	35
Table A-1. Summary of Findings for 46th Circuit under Core Evaluation Criteria	A-3
Table A-2. Perspectives of Focus Group Participants about Court Operations and Demonstration Project in 46th Circuit	A-6
Table A-3. Summary of Final Evaluation Findings under Special Criteria for 46th Circuit	A-9
Table B-1. Summary of Findings for Barry County under Core Evaluation Criteria	B-3
Table B-2. March 1998 Perspectives of Internal Stakeholders about Court Operations and Demonstration Project in Barry County	B-6
Table B-3. March 1998 Perspectives of Regular Institutional Participant Focus Group about Court Operations and Demonstration Project in Barry County	B-9
Table B-4. March 1998 Perspectives of Informed Citizen Focus Group About Court Operations and Demonstration Project in Barry County	B-11
Table B-5. Summary of Final Evaluation Findings under Special Criteria for Barry County	B-12
Table C-1. Summary of Findings for Berrien County under Core Evaluation Criteria	C-3
Table C-2. Perspectives of Focus Group Participants about Court Operations and Demonstration Project in Berrien County	C-7
Table C-3. Summary of Final Evaluation Findings under Special Criteria for Berrien County ..	C-10
Table D-1. Summary of Findings for Isabella County under Core Evaluation Criteria	D-3
Table D-2. Perspectives of Focus Group Participants about Court Operations and Demonstration Project in Isabella County	D-8
Table D-3. Summary of Final Evaluation Findings under Special Criteria for Isabella County ..	D-11
Table E-1. Summary of Findings for Lake County under Core Evaluation Criteria	E-3
Table E-2. April 1998 Perspectives of Internal Stakeholders about Court Operations and Demonstration Project in Lake County	E-8
Table E-3. April 1998 Perspectives of Regular Institutional Participant Focus Group about Court Operations and Demonstration Project in Lake County	E-11

Table E-4.	April 1998 Perspectives of Informed Citizen Focus Group about Court Operations and Demonstration Project in Lake County	E-14
Table E-5.	Summary of Final Evaluation Findings under Special Criteria for Lake County	E-16
Table F-1.	Summary of Findings for Washtenaw County under Core Evaluation Criteria	F-3
Table F-2.	Perspectives of Focus Group Participants about Court Operations and Demonstration Project in Washtenaw County	F-7
Table F-3.	Summary of Final Evaluation Findings under Special Criteria for Washtenaw County	F-13

EXECUTIVE SUMMARY

Six projects inaugurated by the Michigan Supreme Court in 1996 demonstrate that consolidating local trial courts into a single court of general jurisdiction can substantially improve the quality of court service to the public. Further trial court consolidation should be encouraged in Michigan, based on the results of the projects. This is particularly true for jurisdictions where court leaders, county officials and court-related agencies are already committed to the task.

The results after two years of operation show that consolidation can:

- promote the efficient use of judicial resources
- hasten the delivery of justice to families
- reduce operational costs
- reduce the age and size of pending caseloads
- employ technology productively to enhance scheduling and information exchange
- promote strong court leadership through consensus decision-making led by the chief judge

The six demonstration projects stem from the Supreme Court's 1995 report, "A Program for Reforming the Judicial Branch of Government." The consolidation of circuit and probate courts to better serve Michigan families, and the consolidation of district court with the other two courts were key recommendations of the report. After a vigorous application and review process, six sites were chosen to reflect Michigan's diverse geography and demography. The sites are Barry County, Berrien County, Isabella County, Lake County, Washtenaw County and the counties comprising the 46th Circuit: Crawford, Kalkaska and Otsego. Consolidated trial court operations began in 1996.

The National Center for State Courts (NCSC), which provided evaluation and technical services to the program, measured the success of each demonstration project by gauging the effect of consolidation on:

- judicial and quasi-judicial resources
- service to families through a family division in each project
- the cost-effectiveness of court operations
- stakeholder perceptions of court operations
- service coordination with court-related agencies
- the use of court information systems and their impact on court efficiency
- court budgeting
- overcoming obstacles to change and taking advantage of change enhancers

To assess characteristics unique to each project, eighteen special criteria (three for each project) were developed in addition to these eight core criteria. The core criteria derive from the fundamental values of the Michigan judicial system as expressed by the Supreme Court in its 1995 report: independence, responsiveness, accountability, fairness, effectiveness and accessibility.

The NCSC based its evaluation on interviews and focus groups with key demonstration project participants in 1996 and 1998. Demonstration project court administrators and staff, with the aid of

Michigan State Court Administrative Office analysts, provided qualitative and quantitative information to NCSC evaluators. This report includes overall evaluation findings and conclusions, with findings and conclusions for each individual project contained in Appendices A-F.

Evaluation Findings

The results of the demonstration project evaluation show that local trial court consolidation can:

- **Promote the efficient use of judicial resources.** Demonstration project judges can hear all cases that come before the court. This provides the courts with the flexibility to capitalize on the benefits of specialization while maintaining an internal assignment system that ensures judicial coverage of the court docket.
- **Hasten the delivery of judicial services to families.** Nearly all stakeholders noted the prompt resolution of family matters provided by demonstration project family divisions.
- **Reduce operational costs.** The projects lowered costs through fewer required court appearances in family matters, centralized jury management, combined contracts for court-appointed counsel, centralized collections, reduced use of visiting judges, use of technology (e.g., video arraignments, audio conferencing, computerized legal research) and acceptance of felony pleas at the time of preliminary exams.
- **Reduce the age and size of pending caseloads.** This holds true for most types of cases.
- **Employ information technology productively.** Automated case information systems enhanced scheduling and information exchange. As indicated above, other technology developments also yielded benefits sufficient to justify their cost.
- **Promote strong court leadership.** Judicial councils with strong leadership from chief judges and broad stakeholder participation proved an effective forum for consensus decision-making.
- **Generate strong support.** Most county government officials, court leaders and informed citizens viewed the projects positively.
- **Promote more efficient budgeting.** Substantial steps were taken toward developing a unified trial court budget through greater coordination between the courts and county funding authorities.
- **Promote coordination of record-keeping, probation functions.** Statutory limitations prevent the merger of record-keeping functions and also probation functions of Department of Corrections personnel. Greater coordination and communication occurred in both areas, however.

The results show further that consolidation:

- **Proves its value in the face of administrative obstacles.** Hurdles posed by changes in most of the project jurisdictions were successfully overcome through the hard work of judges, administrators and court staff, and the support of county officials. The benefits of circuit-probate court consolidation were more easily obtained than those of full consolidation in large jurisdictions such as Washtenaw County because of multiple funding units and court locations. Court staff generally faced the greatest difficulties because of changes in daily operations. Few stakeholders supported a return to pre-consolidation status.
- **May require rule changes relating to quasi-judicial assignments.** Statutory constraints on the qualifications and functions of referees and magistrates hamper universal cross-assignment. Supreme Court review of this area may lead to court rule revisions and legislative recommendations.

Evaluation Conclusions

These results support continued trial court consolidation in Michigan. The projects show that consolidation can best be achieved where judges and court staff hold a high degree of commitment to the task. Implementation will proceed most effectively where court leaders, county officials and key support staff cooperate fully in the planning and coordination of activities. New construction or major renovation of court facilities should include design considerations that enhance the prospect of consolidated trial court operations.

CHAPTER I. INTRODUCTION

This is the final report of an evaluation of six projects demonstrating trial court consolidation in Michigan through structural, administrative and financial reforms. These projects were undertaken in the 46th Circuit (Crawford, Kalkaska and Otsego Counties), Barry County, Berrien County, Isabella County, Lake County and Washtenaw County. In December 1997, their operation was extended indefinitely as part of the Michigan Supreme Court's program for reforming the judicial branch of government, as outlined in section A below. The different trial courts serving as demonstration sites were chosen on the basis of their ability to meet project requirements and selection criteria set by the Supreme Court, to the extent possible within legal, fiscal and practical constraints. Michigan court organization is discussed briefly in the context of trial court consolidation efforts elsewhere in Section B. Each of the demonstration projects is briefly described in section C. All of the projects were evaluated by the National Center for State Courts (NCSC) under agreement with the Michigan State Court Administrative Office (SCAO). Section D gives a short overview of the terms and circumstances for the evaluation effort.

Chapter II presents the criteria by which the six demonstration projects were evaluated. These criteria include eight "core" criteria applicable to all six projects and 18 "special" criteria (three per project) for assessing unique circumstances in each demonstration court. Chapter III gives an overall assessment of the demonstration projects, with findings under the core evaluation criteria and general evaluation conclusions. Finally, individual demonstration project evaluation summaries are presented in Appendices A-F.

A. Michigan Supreme Court Program for Reforming the Judicial Branch

In September 1995, the Michigan Supreme Court announced the elements of a comprehensive plan for improving the Michigan court system, offering recommendations for changes in the structure, administration and financing of the Michigan courts.¹ These recommendations were intended to serve and promote basic values that are to be maintained in any proper plan for court reform: independence, accountability, fairness, effectiveness, and accessibility.

Regarding structure, there were eight recommendations, which may be paraphrased as follows:

1. The circuit court and the probate court should be consolidated.
2. In light of that merger, circuit boundaries should be redrawn where appropriate.

3. Each county with more than 5,000 residents should have at least one full-time trial court judge, and that judge should hear all cases in the county if caseload does not require more than one full-time judge.
4. While the district court should be retained as a statutory court of limited jurisdiction, complete consolidation of trial courts will be tested on a two-year demonstration basis.
5. Meanwhile, district court boundaries should be redrawn if needed.
6. The Detroit Recorder's Court should be retained.
7. Any reduction in judgeships should be accomplished through attrition from retirement and resignation.
8. No new judgeships will be requested in the next general election cycle.

Relating to administration, the Supreme Court recognized a need to balance the desirability of achieving uniform and efficient operations, in accordance with statewide standards, with the need to be responsive to local needs and accountable to local communities. The Court identified seven areas of necessary administrative reform:

1. Administration of every trial court will have a strong local component.
2. The Supreme Court will appoint the chief judges of all trial courts and the Court of Appeals.
3. The Supreme Court will set guidelines and minimum standards for staffing, facilities, space and the performance of courts and judges.
4. The Supreme Court will develop, implement and maintain appropriate statewide information technology, with uniform reporting requirements to help simplify and streamline the flow of necessary information.
5. Administrative functions should be consolidated to the extent feasible; at the same time, trial courts should maximize accessibility.
6. Supreme Court authority to make appropriate judicial assignments will continue to be used.
7. Essential court services should be wholly within the judicial branch, including Friend of the Court, probation, court security, family counseling, probate court placement and release, and court record keeping.

Finally, the Supreme Court addressed issues of court budgeting, funding and expenditures. Its seven recommendations on financial reform of the court system might be summarized in the following manner:

1. Trial courts should be funded through a revised mix of state, local and fee-based sources.
2. The state should assume the core costs of the court systems, including salaries and benefits for judges and court staff; such due process costs as the cost of indigent representation; and the cost of statewide information technology.
3. Funds should be appropriated in lump sum to the Supreme Court for allocation to other courts, and they should be transmitted in lump sum to other courts for expenditure by the chief judge under Supreme Court oversight.
4. Court staff should be employees of the court, not of other branches of local government or the state.
5. Local governments should provide court facilities, as well as funding for desired programs beyond those required by Supreme Court guidelines and minimum standards.

6. Trial court budgets should be prepared locally and presented to the Supreme Court for review and modification as needed.
7. Funds provided locally should be appropriated in lump sum to the trial courts for expenditure by the chief judge under the oversight of the Supreme Court and the local government funding source.

The Supreme Court anticipated working with the Governor and the Legislature to introduce the above improvements. It also took immediate steps to reform elements within its administrative authority. First, it amended the court rule governing selection of chief judges, with the amended court rule requiring chief judges to meet regularly to coordinate administrative and judicial activities. Second, it allocated funds to develop and implement a mandatory training program for all newly appointed chief judges. In addition, it allocated funds to develop standards and guidelines for staffing, facilities, court security and the performance of courts and judges, as well as uniform budget and expenditure processes. Finally, it provided for court consolidation demonstration projects, allocating funds to develop and implement software integration, and requiring chief judges in each demonstration project to prepare a joint budget.

B. Michigan Courts, 1996 Public Act 388, and the Broader Context of Trial Court Consolidation

Like many other states, Michigan in 1995 had a general jurisdiction trial court at the county level (Circuit Court) with primary responsibility to hear felonies, divorces, and general civil cases with dollar claims over a certain value, as well as a limited-jurisdiction trial court in many locales (District Court) whose main responsibility is misdemeanors, preliminary felony proceedings, and civil cases of a lower dollar value.¹ Michigan was one of only 16 states in 1995 that had separate courts called “Probate Court,” and it was one of only three states where probate courts have juvenile jurisdiction. (The others were the Chancery and Probate Courts in Arkansas and the Probate Court in St. Joseph, Indiana.)

In 1996, Michigan “Family Court” legislation (1996 Michigan Public Act 388) altered the jurisdiction and structure of Michigan trial courts. Jurisdiction of juvenile matters was transferred to circuit courts, and a “family division” was to be created in each circuit effective January 1, 1998. Under the same legislation, the civil jurisdiction of district courts was raised from \$10,000 to \$25,000. See Table 1 for a chart showing circuit court, circuit court family division, and probate court jurisdiction as of January 1, 1998.

¹ See Conference of State Court Administrators and National Center for State Courts, *State Court Organization 1993*, Part VIII (Washington, DC: US Department of Justice, Bureau of Justice Statistics, US Government Printing Office, 1995).

Issues of court reform and trial court consolidation are not new, and they are hardly unique to Michigan. In a speech to the American Bar Association in St. Paul, Minnesota, in 1906, Dean Roscoe Pound argued that popular dissatisfaction with the administration of justice arises in part from three features of the American judicial system: our multiplicity of courts, our preservation of concurrent jurisdiction among those courts, and the waste of judicial resources that result.² The common solution to these problems advanced by court reform advocates has been to call for the consolidation of different trial courts. This approach has been articulated in American Bar Association court organization standards, which urge (a) that “the structure of the court system should be simple, consisting of a trial court and an appellate court, each having divisions and departments as needed,” and (b) that “the trial court should be organized as a single level court . . . [with] . . . jurisdiction of all adjudicative proceedings, except appeals and matters in which original jurisdiction is vested in an administrative board or agency.”³

Twentieth-century court reform efforts in many states have included significant steps to simplify the structure of trial courts in American states.⁴ In 1993 there were eleven states or territories (Alaska, Connecticut, Florida, Hawaii, Kansas, Kentucky, Missouri, North Carolina, Virginia, Wisconsin and Puerto Rico) that had reduced the number of trial courts to two -- a statewide general-jurisdiction court and a limited- or special-jurisdiction court. Yet, despite Dean Pound’s prominence and the American Bar Association’s advocacy of a single-level trial court for all matters, only six state-level jurisdictions (Idaho, Illinois, Iowa, Minnesota, South Dakota, and the District of Columbia) had by 1993 committed all trial-level functions to a single statewide court.⁵

² Roscoe Pound, “The Causes of Popular Dissatisfaction with the Administration of Justice,” 29 ABA Reports 395 (1906), reprinted, 35 FRD 273 (1964).

³ American Bar Association, *Standards Relating to Court Organization*, Sections 1.11 and 1.12 (1990 edition).

⁴ For an overview of structural changes in recent years in the court systems of the states and territories, compare Conference of State Court Administrators and National Center for State Courts, *State Court Organization 1980* (Bureau of Justice Statistics, 1982), *State Court Organization 1987* (Bureau of Justice Statistics, 1988), and *State Court Organization 1993* (Bureau of Justice Statistics, 1995).

⁵ See Conference of State Court Administrators and National Center for State Courts, *State Court Organization 1993* (Bureau of Justice Statistics, 1995), Part VIII, for court system organization charts for all the states.

**TABLE 1. JURISDICTION OF FAMILY DIVISION OF CIRCUIT COURT
UNDER 1996 MICHIGAN PUBLIC ACT 388***

Circuit Court	Family Division of the Circuit Court	Probate Court
General Civil over \$25,000	Divorce and ancillary matters	Estates
Criminal	Custody	Guardianships
Appeals from district court, probate court, and administrative agencies	Parenting time	Conservatorships
Drain code condemnation	Paternity	Mental health commitments
	Juvenile offenses	
	Abuse and neglect	
	Status of minors	
	Personal protection orders	
	Name Changes	
	Adoptions	
	Parental consent waivers (abortion)	
	Guardianships (ancillary to other family matters)	
	Conservatorships (ancillary to other family matters)	

* Source: Michigan State Court Administrative Office, Memorandum, to all Michigan justices, judges, court administrators and clerks, probate registers, county clerks, magistrates, juvenile officers and friends of the court, from Marilyn K, Hall, State Court Administrator, "MICH-ellaneous Matters" (October 17, 1996).

Different comparative analyses of levels of trial court consolidation in different states have agreed in ranking Michigan low in terms of trial court consolidation. A study published in 1978 (using total number of trial courts, general-jurisdiction courts, limited-jurisdiction courts, and special jurisdiction courts as criteria) listed Michigan among the states with the least consolidated trial courts, ranking it 45th among 50 states.⁷ In an updated comparative assessment of state trial court consolidation (using structure, limited jurisdiction judges as a percentage of all judges, overlapping jurisdiction, and extent of jurisdictional consolidation as criteria), Michigan was ranked only moderately higher (40th among 50 states).⁸ This ranking would necessarily change as a result of such subsequent developments as the creation of a family division of circuit court under 1996 Michigan Public Act 388.

Recent studies assessing trial court unification in Canada and the United States have questioned whether trial court structural reform and consolidation in practice actually achieves the advantages that have been claimed for it. In a study for the Canadian Judicial Council of the utility of unifying Canadian provincial trial courts and having only one class of judges, Professor Carl Baar of Brock University reviewed patterns of trial court consolidation in the United States, with particular attention to Illinois, South Dakota and Minnesota.⁹ Noting that a benefit of consolidation asserted by its advocates is that it would lead to only a single class of judges, thereby eliminating hierarchical divisions among judges and classes of judicial business, Baar found from his study of American jurisdictions that a class of subordinate judicial officers (whether they be called “referees,” “magistrates,” or “associate judges”) has persisted, with primary responsibility to deal with high-volume routine matters or other cases that many trial judges generally find unattractive.¹⁰

A more recent study by David B. Rottman and William E. Hewitt examined American court consolidation in practice, looking at the relationship between court consolidation and court performance in the trial courts of nine counties in five states.¹¹ The authors found that what is meant by trial court

⁷ See Larry Berkson, “Unified Court Systems: A Ranking of the States,” 3 *Justice System Journal* 264 (1978).

⁸ See Victor E. Flango and David B. Rottman, “Research Note: Measuring Trial Court Consolidation,” 16 *Justice System Journal* 65 (1992).

⁹ See Carl Baar, *One Trial Court: Possibilities and Limitations*, Chapters 3-5 (Canadian Judicial Council, 1991).

¹⁰ *Ibid.*, pp. 47-51.

¹¹ See David B. Rottman and William E. Hewitt, “Trial Court Unification in the 1990s: Themes and Concerns,” 11 *Court Manager* (No. 3, Summer 1996) 25, which summarizes the authors’ report entitled, *Trial Court Structure and Performance: A Contemporary Reappraisal* [hereinafter, *Trial Court Structure and Performance*] (Williamsburg, VA: National Center for State Courts, 1996). A resource during the conduct of the study was the set of performance standards set out by the Commission on Trial Court Performance Standards, in *Trial Court Performance Standards, with Commentary* (Williamsburg, VA: National Center for State Courts, 1990).

unification or consolidation can vary considerably, even from one locale to another within the same state. They concluded that court consolidation, in and of itself, is not necessarily associated with higher levels of court performance. Instead, other features of court organization -- such as mechanisms for decision making and approaches to assigning domestic relations, juvenile and high-volume routine cases to judges -- may contribute more to high trial court performance. The critical issues they found in the relationship between trial court consolidation and effective performance involved the following three questions:¹²

1. Does the court marginalize certain categories of cases and the judicial and other personnel who deal with them?
2. How lonely is the job of the chief judge?
3. Can support staff be moved to meet changing caseload demands in a way that facilitates the processing of cases, serves the public, and enhances the jobs of court personnel?

The multiple-state study of consolidation and performance by Rottman and Hewitt provides an exceedingly helpful context in which to contemplate the experience of the Michigan courts experimenting with consolidation in the demonstration projects under evaluation here. In addition to viewing the six demonstration projects in terms of the criteria developed specifically for this evaluation (see Chapter II), they can thus be considered as well in light of the findings from the multiple-state study.

C. Michigan Trial Jurisdictions Selected as Demonstration Sites

On November 9, 1995, SCAO invited trial courts to apply for selection as demonstration sites under the Supreme Court's Program for Reforming the Judicial Branch of Government. Courts interested in serving as demonstration sites were to submit relevant information to SCAO by December 1, 1995. Demonstration projects were initially to operate for two years, from January 1, 1996, through December 31, 1997. In December 1997, just before the conclusion of that two-year period, the Supreme Court entered an administrative order authorizing the indefinite extension of each demonstration project.¹³

The 1995 invitation for courts to serve as demonstration sites included a description of the structural, administrative and fiscal characteristics that each demonstration project must have. Structurally, SCAO provided that all judges in a demonstration site must have jurisdiction to hear all cases; divisions of court were to be established by a demonstration court's chief judge; and all family matters were to be heard in one

¹² *Trial Court Structure and Performance*, p. 7.

¹³ Michigan Supreme Court, Administrative Order 1997-12, "Authorization of Demonstration Projects to Study Court Consolidation" (December 19, 1997).

venue. Administratively, each of the demonstration court features were to include, among other things, a chief judge and trial court administrator; a local judicial management council to advise the chief judge; and central administration of support operations. Financially, SCAO provided that every demonstration project would have (a) equal salaries for all judges, and (b) a uniform joint budget for presentation to funding authorities.

For a variety of reasons, selection of the courts to serve as demonstration sites took longer to complete than was anticipated. By spring 1996, however, agreements had been reached with six demonstration courts: the 46th Circuit, Barry County, Berrien County, Isabella County, Lake County and Washtenaw County.

SCAO sought for the courts chosen as demonstration sites to be reasonably representative of all the courts around Michigan, reflecting a cross section of the demography and geography of the state. Table 2 shows the number of judges and court facilities in each of the demonstration sites. Total judges in each demonstration project range from three (Barry, Isabella, and Lake¹⁴ Counties) to fourteen (Washtenaw County). The projects in Lake County and Isabella County each operate completely in one courthouse, while those in Washtenaw County and the 46th Circuit (serving three counties) involve operations in four courthouses.

Table 3 shows some of the socioeconomic and demographic characteristics of the counties participating in the demonstration projects. The counties range from one of the least populated in Michigan (Lake County) to one of the larger counties (Washtenaw County). Because of their student populations, the median age of residents in Isabella and Washtenaw Counties is considerably lower than the statewide average; on the other hand, that of Lake County residents is notably higher. While Lake County is one of the poorest counties in the state in terms of median household income and percent of households with an annual income of \$15,000 or lower, Washtenaw County is one of the wealthiest counties in Michigan. In terms of ethnic mix, Berrien, Lake and Washtenaw County have African-American populations near the statewide average; and only Berrien and Washtenaw Counties approach the statewide percentage of Hispanics in their resident population.

¹⁴ Because of the caseload in Lake County, the demonstration project there operates with one full-time resident judge. When necessary, two neighboring judges (who previously sat in Lake County on a weekly or bi-weekly basis) assist in conflict cases due to the resident judge's private law practice prior to his full-time assignment to the project..

Because jurisdictions chosen by SCAO as demonstration sites were selected to be reasonably representative of courts and demographic circumstances throughout the State of Michigan, the demonstration courts vary from one another somewhat in terms of their respective demonstration projects. Highlights of each project as described in applications to SCAO for demonstration site designation are briefly described below, with attention to planned structural, administrative and budget changes. (See Volumes One through Six for more detailed descriptions and for discussion of changes introduced to date after project commencement.)

Table 2. Judges and Court Facilities in Demonstration Project Jurisdictions					
Demonstration Project Jurisdiction	Total No. Judges	Circuit Judges	District Judges	Probate Judges	Court Facilities
46th Circuit ^a	8	2	3 ^b	3 ^c	4
Barry County	3	1	1	1	2
Berrien County	11	4	5	2	2
Isabella County	3	1	1	1	1
Lake County	3	1 ^d	1 ^e	1 ^f	1
Washtenaw County	14	5	7 ^g	2 ^h	7

^a The 46th Circuit serves Otsego, Crawford and Kalkaska Counties.

^b Two district court judges serve Antrim, Otsego and Kalkaska Counties; the third district court judge serves Crawford and Roscommon Counties.

^c Before commencement of the demonstration project, there were two part-time probate judges, one of whom is a nonlawyer.

^d The circuit judge sits in both Mason and Lake Counties.

^e The district judge sits in both Lake and Newaygo Counties.

^f Before commencement of the demonstration project, the probate judge served in a part-time capacity.

^g The district judges serve Districts 14A (3 judges), 14B (1 judge) and 15 (3 judges).

^h Before commencement of the demonstration project, one probate judge heard estate matters and the other heard juvenile matters.

Table 3. Socioeconomic and Demographic Characteristics of Demonstration Project Counties*

Demonstration Project Counties	Total Population	County Seat Population	Median Age	Median Household Income	Percent Income Under \$15,000	Percent African American	Percent Hispanic Origin
46th Circuit:							
Crawford County	12,260	1,944	34.7	27,834	19.9	2.2	0.6
Kalkaska County	13,497	1,942	33.1	28,847	19.9	0.1	0.6
Otsego County	17,957	3,256	33.7	33,458	17.4	0.1	0.4
Barry County	50,057	6,549	33.8	38,050	13.8	0.2	1.0
Berrien County	161,378	9,214	33.6	34,538	19.3	15.4	1.7
Isabella County	54,624	23,285	24.6	26,216	27.7	1.2	1.3
Lake County	8,583	821	40.9	16,818	43.8	13.4	0.1
Washtenaw County	282,937	109,592	29.2	45,992	12.7	11.2	2.0
State of Michigan	9,295,297	N/A	32.6	37,589	18.2	13.9	2.2

* Population data (including median age and minority percentages of population) are for 1990, while income data are for 1996. Sources: CACI Marketing Systems, *The Sourcebook of County Demographics* (9th ed., 1996), and Rand McNally, *1996 Commercial Atlas and Marketing Guide* (12th ed., 1996).

1. 46th Circuit. Participating in the experimental trial court consolidation effort in this project are the two judges of the 46th Circuit Court (serving Otsego, Kalkaska and Crawford Counties); the two judges of the 87th District Court (serving Otsego, Kalkaska and Antrim Counties), as well as the judge of the 83rd District Court (serving Crawford and Roscommon Counties);¹⁵ and each judge from the single-judge Probate Courts of Otsego, Kalkaska and Crawford Counties.¹⁶ Serving three counties with a total population of about 43,000, with the largest town having only about 3,200 residents, this demonstration court operates in a decidedly rural setting.

The demonstration project plan calls for the creation of a *circuit* division, a *district* division and a *county court* division of the consolidated trial court. Administrative matters and long-duration trials and appeals are to be heard in the circuit division; intermediate-length trials and former district court responsibilities are assigned to the district division, along with receipt of felony pleas and estate administration (for which district court record keeping structures are well suited); and the county court division is to have a judge at each county courthouse every day for all juvenile, adoption, guardianship, mental health commitment, personal protective order, contested divorce, and small claims cases, as well as for ad-hoc preliminary arraignments. Appeals are to the circuit division or to the court of appeals in keeping with pre-consolidation procedures. Under the plan, judges do not rotate among divisions, although there will be a quarterly review of court structure to permit any necessary adjustments. A position of chief judge pro tempore is to rotate periodically among all the judges. (See Volume One for a more detailed description.)

2. Barry County. Located in the southwest area of Michigan between Grand Rapids and Battle Creek, Barry County is one of the middle-sized counties serving as a demonstration site. Participating in the project are the 5th Circuit Court, Division 1 of the 56th District Court, and the Barry County Probate Court, each with one full-time judge. In the demonstration project, the court is divided into a Circuit Court Division, a District Court Division, and a Family Court Division, with a number of case types shared among all three divisions to even workloads. (For further structural details of the demonstration project, along with administrative and financial details, see Volume Two.)

¹⁵ Both the 87th District Court and the 83rd District Court are statutorily designated as first-class districts. Antrim and Roscommon Counties are not part of the demonstration project.

¹⁶ Before the commencement of the demonstration project, only the law-trained Otsego County probate judge served on a full-time basis. The part-time law-trained Crawford County probate judge became a full-time judge. The part-time nonlawyer probate judge for Kalkaska County (staying in office under a “grandfather” provision in legislation requiring that all probate judges be law-trained) remained in part-time status under the project until his retirement in 1997, after which a law-trained judge was appointed for the county.

3. Berrien County. In the southwest corner of Michigan, Berrien County is the second most populous of the jurisdictions participating as a demonstration site. The courts involved in the demonstration project are the 2nd Circuit Court (four judges), the 5th District Court (five judges), and the Berrien County Probate Court (two judges). (From June 1993 through June 1995, these same courts took part in a pilot project under the auspices of the Michigan 21st Century Commission.) For the demonstration project, these separate courts are merged into the Berrien County Trial Court, with a Family Division, a Criminal Division, a Civil Division, a Chief Judge/Appellate Division, and a Niles Division. (For further structural details of the demonstration project, along with administrative and financial details, see Volume Three.)

4. Isabella County. Located near the center of Michigan's lower peninsula, Isabella County is one of the middle-sized counties among the six demonstration sites. Its trial courts are the 21st Circuit Court, the 76th District Court, and the Isabella County Probate Court, each with one full-time judge. Under the demonstration project, the Isabella County Trial Court is organized into a Family Division, a Civil Division, a Criminal Division, and an Appellate Division. (For further structural details of the demonstration project, along with administrative and financial details, see Volume Four.)

5. Lake County. In the western part of the lower peninsula, about halfway between Grand Rapids and Traverse City, Lake County is one of the least populous counties in Michigan. The 51st Circuit Court (one judge) serves Lake and Mason Counties; the 78th District Court (also one judge) serves Lake and Newaygo Counties; and before commencement of the demonstration project, a part-time judge sat in the Lake County Probate Court. Under the demonstration project, the Lake County Trial Court has a Family Division, a Civil Division, a Criminal Division and an Appellate Division. Its primary innovation, however, is that the former part-time probate judge is now the full-time resident judge of the Trial Court, hearing all matters arising in the county, with backup from the 51st Circuit Court judge in Mason County and the 78th District Court judge in Newaygo County. (For further structural details of the demonstration project, along with administrative and financial details, see Volume Five.)

6. Washtenaw County. Located in southeast Michigan as part of the greater Detroit metropolitan area, Washtenaw County is the most populous of the demonstration project sites. The courts involved in the demonstration project are the 22nd Circuit Court (five judges); the 14-A (three judges serving Washtenaw County), 14-B (one judge serving Ypsilanti Township) and 15th (three judges serving City of Ann Arbor) District Courts; and the Washtenaw County Probate Court (two judges). (From June 1993 through June 1995, like the Berrien County trial courts, the trial courts of Washtenaw County served as a pilot project for the Michigan 21st Century Commission.) Under its initial design for the demonstration project, the Washtenaw County Trial Court had an Appellate Division, a Civil Division, a Criminal Division,

and a Family Division. That structure was revised in early 1997, so that the Trial Court had a Civil/Criminal Division (also hearing appeals), a Family Division, and a District Division. (For further structural details of the demonstration project, along with administrative and financial details, see Volume Six.)

D. Demonstration Project Evaluation

Under Agreement Number SCAO-94-28 (September 5, 1995) between SCAO and NCSC, staff members from NCSC were to provide technical assistance to SCAO and demonstration court officials in the development of preliminary criteria, data requirements, and data-collection methodology for evaluation of the demonstration projects. The criteria, data requirements and data-collection steps were refined by SCAO and NCSC with input from demonstration court leaders in June and July 1996.

Task Number NCSC-04 (June 7, 1996) under that agreement then provided that, starting on August 1, 1996, NCSC would carry out the following tasks in the evaluation of the demonstration projects:

1. Analyze data collected in demonstration sites in collaboration with SCAO and demonstration site personnel to evaluate and assess the experience of demonstration projects, using criteria agreed by SCAO and NCSC with input from demonstration site officials, pursuant to section 4.3.4 of Exhibit A to Agreement No. SCAO-94-28.
2. By December 31, 1996, or at a time agreed on by SCAO and NCSC, provide a draft demonstration project interim evaluation report and final demonstration project interim evaluation report, in a format agreed on by SCAO and NCSC, pursuant to section 4.5.1 of Exhibit A to Agreement No. SCAO-94-28.
3. By December 31, 1997, provide a draft demonstration project evaluation report and final demonstration project evaluation report, in a format agreed on by SCAO and NCSC, pursuant to section 4.5.2 of Exhibit A to Agreement No. SCAO-94-28.

SCAO and demonstration court officials accepted the proposal by NCSC that the evaluation would compare data and other information relevant to evaluation criteria *before* (or shortly after) commencement of each demonstration project with similar data and information *after* about 12-18 months' demonstration project operation in each site. NCSC also agreed with SCAO and demonstration court officials that, because of the differences on which their selection was based, demonstration courts would *not* be compared with one another.

In 1997, NCSC evaluators completed an interim analysis of data and other information collected in each of the demonstration courts with regard to their status before or shortly after commencement of project operations, as provided in task number 1 above. An interim evaluation summary report dated July 23, 1997, and interim evaluation volumes one through six (on individual demonstration projects), all reflecting the completion of task number 2 above, presented the results of that interim analysis in light of agreed evaluation criteria.

At the end of 1997, having decided that the demonstration projects were providing valuable information about the effective consolidation of courts and the process of consolidating courts, the Michigan Supreme Court concluded that it would be beneficial to extend the demonstration projects indefinitely.¹⁷ In keeping with the Supreme Court decision to extend the projects, SCAO subsequently issued Task Order NCSC-06 (March 10, 1998), providing that NCSC would perform the following tasks:

1. Continue to analyze data collected in demonstration sites in collaboration with SCAO and demonstration site personnel to evaluate and assess the experience of demonstration projects, using the previously agreed criteria reflected in the interim evaluation report.
2. By June 30, 1998, or at a time agreed on by SCAO, provide a draft demonstration project final evaluation report, in the format previously agreed on by SCAO and NCSC for the interim evaluation report.
3. By December 31, 1998, provide a final demonstration project evaluation report, also in the format previously agreed on by SCAO and NCSC for the interim evaluation report.

In March, April and May 1998, NCSC evaluators visited all the demonstration projects to interview judges, court administrators, court staff members and ancillary agency personnel. In addition, they facilitated three on-site focus groups for each demonstration project. These focus groups consisted of internal stakeholders (court employees), institutional participants (frequent and regular participants in the court system, such as lawyers, social workers, probation officers, and law enforcement officers) and informed citizens with knowledge of court operations both before and after demonstration project implementation. Finally, NCSC evaluators reviewed available data provided by the demonstration project chief judges, court administrators and SCAO analysts between June 1998 and February 1999.

NCSC evaluators then reviewed and analyzed the new information (interview results, focus group results and trial court statistical information) in accordance with the evaluation criteria that were employed in the interim evaluation. This report presents the final results of that effort. Both “core” and “special” evaluation criteria are explained in Chapter II. Overall final evaluation findings and conclusions are presented in Chapter III. Evaluation findings and conclusions for each individual demonstration project are summarized in Appendices A-F.

¹⁷ See Michigan Supreme Court, Administrative Order 1997-12, as cited in note 13 above.

CHAPTER II.

CRITERIA FOR EVALUATION OF DEMONSTRATION PROJECTS

In the agreement between SCAO and NCSC for NCSC to evaluate the six trial-court consolidation demonstration projects, the statement of work provided that “NCSC staff will collaborate with SCAO staff and demonstration site staff to refine evaluation criteria and data required for evaluation.”¹⁸ This chapter presents a discussion of the final criteria for evaluation of the demonstration projects.¹⁹ Section A presents “core” criteria for evaluation of all six demonstration projects, and Section B presents “special” criteria for evaluation of features unique to each individual demonstration court.

A. Core Criteria for Evaluation of *All* Demonstration Projects

After extended discussions involving SCAO analysts and NCSC staff members between March and August 1996, the criteria for evaluation of *all* the demonstration projects were reduced to a list of eight “core” criteria (to distinguish them from the “special” criteria for *particular* demonstration courts). See Table 4 for a list of the core criteria.

These core criteria derive from fundamental values of the Michigan judicial system (independence, responsiveness, accountability, fairness, effectiveness and accessibility), as recommended in 1995 to the Michigan Supreme Court by the Michigan Justice Planning Commission (MJPC).²⁰ More specifically, they are based in large part upon the benefits that the MJPC envisioned would arise from the kind of trial-court consolidation being tried in the demonstration projects.²¹ In a meeting in Lansing on August 12, 1996, the NCSC project evaluator discussed the evaluation criteria, data requirements and data-gathering methods with SCAO regional administrators and analysts. In contemplation of limited time and other resources, priorities among core criteria were established in that meeting. The list of core criteria set forth below is in descending order of importance, with the most important criterion shown first.

¹⁸ See Agreement No. SCAO-94-28 (September 5, 1995), Exhibit A, Section 4.3.

¹⁹ See Chapter III for overall evaluation findings and conclusions under core criteria. Findings and conclusions for the individual demonstration projects are summarized in Appendices A-F.

²⁰ See Michigan Justice Planning Commission, *Charting the Course for Michigan Justice: A Report to the Michigan Supreme Court*, p. 13 (May 30, 1995).

²¹ *Ibid.*, pp. 29-30.

**TABLE 4. CORE EVALUATION CRITERIA FOR ASSESSMENT
OF ALL DEMONSTRATION COURTS**

Core Criterion Number	Criterion
1	How does consolidation affect the use of judicial and quasi judicial resources?
2	What is the effect of having a family division as part of each demonstration project?
3	How does consolidation affect the cost-effectiveness of court operations (e.g., by reducing administrative and service duplications)?
4	How does consolidation affect key stakeholders' perceptions of court operations?
5	Does consolidation promote improved coordination with court-related agencies?
6	What effect do "obstacles to change" and "change enhancers" have on consolidation?
7	Does consolidation result in improved use of court information systems or other technology, and is that linked to enhanced court efficiency?
8	What effect does consolidation have on court budgeting?

A variety of issues are presented by each of these criteria. The issues associated with each criterion are discussed below.

Core Criterion 1. Use of Judicial and Quasi judicial Resources. One of the key arguments in favor of trial court consolidation is that it could permit greater flexibility in the assignment of judges and referees or magistrates to different kinds of cases. This would allow resources to be applied more effectively and efficiently on an as-needed basis to meet the demands of changing court workloads.²² In the most recent national assessment of trial court consolidation, a theme identified by the researchers as critical to the

²² See American Bar Association, *Standards Relating to Court Organization* (1990 edition) and *Standards Relating to Trial Courts* (1992 edition).

success of consolidation was the manner in which judges are assigned.²³ If “an unofficial lower level of judges and staff” are assigned to process routine high-volume cases or those that are emotionally difficult (such as juvenile or domestic relations cases), then the proposition that judges are “fungible” is a fiction, they conclude. Better to have a class of quasi judicial officers to hear such cases, and in any circumstance to provide for the inclusion of those hearing those cases (whether judges or quasi judges) in the court’s management decisions to ensure that such cases do not lose out in the court’s distribution of resources because of pressures to process other more visible high-stakes case types.

These considerations help to provide a context in which to assess whether the demonstration courts are able to give more, better or quicker attention to a stable or growing volume of cases, with either (a) the same number of judges, magistrates and referees, or (b) more judge-time, in the courts where judges have gone from part-time to full-time status. One element of this has to do with the formal reallocation of calendars and the creation of divisions; and another element is the extent to which individual judges provide ad-hoc day-to-day backup assistance to one another. Closely related to this is the question of whether all trial court judges are “fungible,” and the extent to which some degree of specialization is necessary. Moreover, if all trial court work is shared among all the trial judges, are as many judges needed in a demonstration court?

Since the merger of only the circuit and probate courts was one of the alternatives under consideration by the Supreme Court, an absolutely critical issue has to do with the addition of the district courts to the consolidation in the demonstration projects. In at least some of the demonstration courts, the district court judges were concerned that they would be asked to share in the circuit court workload without reciprocal sharing of the district court workload by circuit court judges. The question whether all demonstration court judges would be equally busy could present significant morale issues among the judges, bearing on the long-term sustainability of the court consolidation experiment.

Related issues arise with regard to magistrates and referees. Are there some areas (such as those in cases before the Friend of the Court) where a need for specialized knowledge and expertise stands in the way of using all magistrates and referees interchangeably? To what extent can the functions of such quasi judicial officers be expanded? If the role of magistrates and referees is expanded, does a court need as many judges?

²³ David B. Rottman and William E. Hewitt, *Trial Court Structure and Performance: A Contemporary Reappraisal* [hereinafter, Rottman and Hewitt, *Structure and Performance*] (Williamsburg, VA: National Center for State Courts, 1996) pp. 14, 82-84.

The issues regarding district court judges and magistrates or referees present a related question that has arisen in consolidated trial courts in other states. This question is whether some categories of cases, considered “minor” or of low prestige in the legal community, will be “devalued” and given insufficient or inappropriate resources as a result of trial court consolidation.²⁴

Core Criterion 2. Effect of Having a Family Division. In recent years, there has been considerable discussion about the effect on families of appearing in separate courts for matters arising from the same family dynamics (e.g., abuse and neglect proceedings in Probate Court while divorce, custody or support enforcement matters are pending in Circuit Court). Among the Michigan Supreme Court’s requirements for the characteristics of all demonstration projects is a provision that “The demonstration projects selected will blend into one general venue legal issues affecting the family that are primarily family law, domestic relations, juvenile court abuse and neglect actions and that are primarily social policy oriented in nature.”²⁵

Creation of a “family division” in each demonstration court is thus a critical feature of the demonstration projects. Fundamental issues are timeliness, resource allocation, levels of service to children and families, and perceived “user friendliness.” The recent enactment of “family court” legislation (1996 Michigan Public Act 388) by the Michigan State Legislature has had some effect on the operation of demonstration projects with regard to family matters. Under this act, the jurisdiction of all circuit and probate courts is reorganized, and a “family division” is created in every circuit court effective January 1, 1998, with jurisdiction as shown in Table 1.²⁶ By July 1, 1997, each circuit was to have a plan for the operation of its family division.²⁷ As a result of this legislation, other trial jurisdictions in Michigan had further reason to follow the experiences in the demonstration projects.

Core Criterion 3. Cost-Effectiveness of Court Operations. A critical consideration bearing on an evaluation of any demonstration project is its effect on the costs of court operations in relation to the effectiveness of those operations -- the extent to which the purposes of the courts are achieved. It is possible

²⁴ See Rottman and Hewitt, *Structure and Performance*, p. 14.

²⁵ Michigan State Court Administrative Office, Memorandum to all trial court judges, from John D. Ferry, Jr., “Court Consolidation Demonstration Project Description and Application Requirements” (November 9, 1995), Attachment, p. 2.

²⁶ The statute also raised the civil jurisdiction of district courts from \$10,000 to \$25,000.

²⁷ In January 1997, a “PA 388 Implementation Task Force,” convened by SCAO and consisting of judges, court administrators, probate and circuit court staff, county clerks, county funding officials, state bar representatives, and state child protection agency staff, began the identification of implementation issues and preparation of recommended guidelines and policies for the different circuits to put the new legislation into effect. The task force’s work was completed in February 1997. See Family Court Division Implementation Task Force, *Recommendations for Family Court Division of the Circuit Court Implementation Plans* (Lansing, MI: SCAO, February 14, 1997). The Michigan Supreme Court then acted upon the recommendations of the task force. See Michigan Supreme Court, Administrative Order 1997-1, “Implementation of the Family Division of the Circuit Court” (February 25, 1997).

that the operation of the demonstration project might make court operations *less* cost-effective than they were before commencement of the project. Project proponents hoped, however, that its operation would make court operations *more* cost-effective, either by (a) being more effective at less cost, (b) being more effective at the same cost, or (c) having an increase in effectiveness that justifies any increased costs. This criterion has to do with whether a demonstration court can (a) maintain or enhance its pre-consolidation level of performance while reducing its operating costs; (b) improve performance without increasing the cost of operations; or (c) improve performance by a degree that justifies any marginal increase in operating costs. This is obviously a critical question for state and local funding authorities.

It is highly important to an understanding of the governmental function of the judiciary to understand that the purpose of the courts is to administer justice, and *not* to generate revenue. Yet all units of government must be accountable for public resources, and an optimally functioning trial court responsibly seeks, uses and accounts for its public resources.²⁸ Additionally, a trial court must protect its integrity by taking appropriate responsibility for the enforcement of its orders (including collection of fines and fees).²⁹ It is therefore important to consider trial court collection efforts and any resulting revenues in any assessment of cost-effectiveness.³⁰

Since “effectiveness” involves achievement of the purposes of the courts, it is valuable to note what those purposes are. In its 1995 report, the Michigan Justice Planning Commission (MJPC) identified the following “Michigan Judicial System Functions:” (1) to do justice; (2) to provide the appearance of justice; (3) to provide a forum; (4) to protect citizens against arbitrary government action; (5) to provide a fair hearing; (6) to provide services nobody else provides; and (7) to censure wrongdoing.³¹

One area of potential improvement in cost-effectiveness is discussed above -- improved use of judicial and quasi judicial resources (Core Criterion 1). A second area involves expanded use of court technology (computerization, audio conferencing and law library automation), which is addressed below under Core Criterion 7.

One important area in which effectiveness can be measured is the court’s ability to handle the business before it. Are dispositions keeping up with new filings and reopened cases? Are cases being

²⁸ See Commission on Trial Court Performance Standards, *Trial Court Performance Standards, with Commentary* [hereinafter, *Trial Court Performance Standards*] (Williamsburg, VA: National Center for State Courts, 1990), Standard 4.2.

²⁹ *Ibid.*, Standard 3.5.

³⁰ On one hand, it may be more important to look at collection efforts than simply at raw revenue totals. On the other hand, the level of resources committed to collection should be justified in terms of enhanced revenues and (perhaps more importantly in the long run) improved respect for the judicial process.

³¹ Michigan Justice Planning Committee, *Charting the Course for Michigan Justice: A Report to the Michigan Supreme Court* (Lansing, May 30, 1995) [hereinafter, MJPC Report], pp. 15-18.

disposed within applicable time expectations? Delay in the courts -- failure to dispose of cases within those time expectations -- has been found to undercut the achievement of all of the essential purposes of courts (such as those enumerated in the above “Michigan Judicial System Functions”).³² National trial court performance standards include as one of the measures of an optimally-functioning trial court the provision, “The trial court establishes and complies with recognized guidelines for timely case processing while, at the same time, keeping current with its incoming caseload.”³³ The American Bar Association, the Conference of Chief Justices, and the Conference of State Court Administrators have urged the adoption of time standards for expeditious caseload management. The Michigan court system has detailed time guidelines for all the different categories of cases that come before its trial courts. Those time guidelines are summarized in Table 5.

There are several further areas in which the successful implementation of the court consolidation demonstration project had potential to yield enhanced cost-effectiveness. Some of these areas directly related to the possibility of cost savings without reduction in quality of service. Others focused on enhanced achievement of the functions of the Michigan judiciary.

Consolidation permitted demonstration courts to consider modification of court procedures to streamline the handling of some kinds of cases. For example, it was possible in criminal felony cases to do away with two separate hearings for district court preliminary examination and bindover, followed by circuit court arraignment, and instead hold one hearing to satisfy both purposes.

³² See Barry Mahoney, et al., *Planning and Conducting a Workshop on Reducing Delay in Felony Cases, Volume One: Guidebook for Trainers* (Denver, CO: Institute for Court Management of the National Center for State Courts, 1991), Unit P2: “The Delay Problem and the Purposes of Courts.”

³³ *Trial Court Performance Standards*, Standard 2.1.

**TABLE 5. MICHIGAN TIME GUIDELINES FOR CIRCUIT COURT,
DISTRICT COURT AND PROBATE COURT CASES***

Case Type, by Court	Time Guidelines (Filing to Disposition)				
	75%	90%	95%	98%	100%
<i>Circuit Court</i>					
All General Civil Cases	12 mos.		18 mos.		24 mos.
Domestic Relations Cases					
Divorce, No Children		3 mos.		9 mos.	12 mos.
Divorce, Minor Children		8 mos.		10 mos.	12 mos.
Custody					3 mos.
Paternity		3 mos.		6 mos.	12 mos.
Support/URESA Response		3 mos.		6 mos.	12 mos.
URESA Initiation					24 hours
All Other		3 mos.		6 mos.	12 mos.
All Felony Cases		3 mos.		5 mos.	10 mos.
Appeal Cases					
Civil and Criminal					154 days
Administrative Review					154 days
Extraordinary Writs				35 days	91 days
<i>District Court</i>					
All Criminal & Traffic		63 days		91 days	126 days
All General Civil Cases		6 mos.		9 mos.	12 mos.
Small Claims, L/T, etc.					
Non-Jury					35 days
Jury Demanded					63 days
<i>Probate Court</i>					
Contested Estate Matters	6 mos.	9 mos.			12 mos.
Juvenile Custody Cases		84 days			98 days
• Juvenile Non-Custody Cases	119 days	180 days			210 days

The consolidation projects provided a potential opportunity for economies of scale and cost-savings from such steps as more centralized purchasing of court supplies and equipment. Reduction of administrative and service duplication were other areas where cost savings were possible.

* Source: Michigan State Court Administrative Order 1991-4, "Time Guidelines for Case Processing" (entered June 11, 1991).

At least two of the demonstration courts (Berrien County and Washtenaw County) had been involved in such prior improvement efforts as the “21st Century Project.” Their “change trajectory” *before* summer 1996 had to be taken into consideration in measuring demonstration project outcomes with regard to cost-effectiveness.

If any demonstration court experienced a cost increase or drop in performance during the project, consideration also had to be given to whether that was only a transitory phenomenon. Short-term cost increases could be occasioned by such factors as the introduction of new technologies, while short-term reductions in performance could result from changeovers in practices and procedures for court staff members.

Core Criterion 4. Key Stakeholders’ Perceptions of Court Operations. The word “stakeholder” is defined as “a person or group that has an investment, share, or interest in something, as a business or industry.” Stakeholders in the courts include judges and other court personnel, representatives of state and county governmental entities, citizens who participate in court proceedings and pay taxes, members of the bar and other institutional participants in the court process, and those who provide goods or services to the courts or litigants. Whether or not the expectations of stakeholders are realistic or appropriate, it is important for a trial court to deal effectively with its stakeholders -- to maintain positive reciprocal relationships with other units of government, to use fair employment practices, to be courteous and responsive to citizens, and to maintain public trust and confidence in the judiciary.³⁴

Stakeholder perceptions of court performance as measured in 1995 by the Michigan Justice Planning Committee (MJPC) help provide a baseline against which to measure stakeholder perceptions of the demonstration projects. Table 6 summarizes stakeholder ratings of court performance in Michigan. Michigan courts were rated positively (“Good” or “Excellent”) by treatment providers, ADR providers, non-legislative local officials, jurors, schools and federal judges and staff. At the other end of the continuum, they were rated more negatively (“Fair” or “Poor”) by state and local legislative organizations, vendors, advocacy groups, law enforcement organizations, tribal courts, victims, witnesses, civil litigants, and criminal defendants. In between were state agencies (considerable

³⁴ See *Trial Court Performance Standards*, especially Standards 1.4, 4.1, 4.3 and 5.3.

**TABLE 6. MJPC ASSESSMENT IN 1995 OF HOW STAKEHOLDERS
EVALUATED THE COURTS' PERFORMANCE IN MICHIGAN***

Stakeholder Category or Description	MJPC's Assessment of How Stakeholders Evaluate Courts' Performance (Excellent, Good, Fair, Poor)
State/Local Legislative Organizations	Fair/Poor
Vendors	Fair
Treatment Providers	Good
Advocacy Groups	Fair
State Agencies	Poor to Excellent (varies according to location and personnel)
ADR Providers	Good to Excellent
Lawyers	Fair to Good
Law Enforcement Organizations	Fair to Poor
Tribal Courts	Fair to Poor
Internal Stakeholders (Judges, Court Staff)	Good (job security and work) Fair to Poor (other issues)
Non-Legislative Local Officials	Mostly Good (volatile)
News Media	Good to Excellent (stories, access) Fair to Poor (comment by judges)
Victims	Fair/Poor
Witnesses	Fair
Jurors	Good
Civil Litigants	Fair
Criminal Defendants	Fair
Schools	Good
Federal Judges and Staff	Good

variation according to location and personnel), lawyers, such internal stakeholders as judges and court staff (good on job security and challenging work, but only fair or poor on other issues), and news media. To

* Source: Michigan Justice Planning Committee, *Charting the Course for Michigan Justice* (1995), Appendix III.

compare with the MJPC results, evaluators sought through interviews and focus group sessions to learn how different stakeholders viewed court operations in each demonstration site.

Core Criterion 5. Coordination with Court-Related Agencies. Particularly in criminal and family matters, there were a number of court-related institutional participants in the trial court process. Whether any efficiencies were achieved by such means as the reduction of scheduling conflicts for probation officers or caseworkers, police and others was important to consider.

Two especially significant areas for attention were (1) probation officer coordination, where circuit court probation officers are under the State Department of Corrections, unlike those for probate and district court matters; and (2) coordination of clerk's office case-processing functions, where the County Clerk is a separate elected official responsible for circuit court case files, unlike the probate register and the district court clerk.

There was another important issue of efficiency and flexibility in terms of the extent to which central court administrative staff might work interchangeably with court personnel viewed as the "personal staff" of individual judges in accomplishing the ends of the demonstration projects.³⁵ Union issues were a matter of potential concern in this area. The degree to which cross training could be provided for court staff to work more flexibly together was desirable to explore and document.

Finally, there was a question whether duplication of functions might be reduced in such areas as jury management (improving the cost-effectiveness of court operations, as addressed in Core Criterion 3), and whether coordination of human services from treatment providers might be enhanced.

Core Criterion 6. Effect of "Obstacles to Change" and "Change Enhancers." The degree of success by each demonstration court in marshaling resources to overcome obstacles to change may be critical to the Supreme Court in deciding whether statewide trial-court consolidation is desirable and feasible. The efficacy of specific steps taken by demonstration courts to overcome obstacles is important for other trial courts in the state if consolidation in other parts of Michigan is authorized.

A special issue bearing on the outcomes of the demonstration projects is the leadership role of each demonstration court's chief judge, which has been identified in the literature as an important matter in trial court structure and performance.³⁶ Another potential problem that was anticipated for the demonstration

³⁵ In a recent multistate study of the effects of trial court consolidation on court operations, this was found to be a critical issue in court performance. See Rottman and Hewitt, *Structure and Performance*, *supra*.

³⁶ See William E. Hewitt, Geoff Gallas and Barry Mahoney, *Courts That Succeed: Six Profiles of Successful Courts* (Williamsburg, VA: National Center for State Courts, 1990); see also, Rottman and Hewitt, *Structure and Performance*.

projects was the extent to which the demonstration courts had to deal with union issues presented by court employees.

Core Criterion 7. Use of Court Technology. Before the commencement of the demonstration projects, the different demonstration courts were at varying stages in their progress toward the use of computers and other technology in support of enhanced court operations. Some of the pre-consolidation trial courts had to take the initial step of developing basic computer support for case processing. For other demonstration projects, the goal was to provide compatibility and communicability among the computer systems of the three court levels. Still others sought enhanced data transfer with other state and local justice system organizations. Largely independent of computerization, some of the demonstration courts considered the introduction of such innovations as video arraignments, telephone conferencing and motion practice, kiosk technology, or other technological enhancements as part of their projects.

An ultimate issue was the effect of any computer system or other technology development on the effectiveness and efficiency of the demonstration courts. Because of the time, effort and cost involved in some technology innovations, it was foreseeable that the results of such changes might not be evident by the time established for this final evaluation.

Core Criterion 8. Court Budgeting. An important consideration was the extent to which the demonstration court leaders could “speak as one voice” in their budget request of local funding authorities, thereby avoiding conflict with one another. A second had to do with whether there were economies of scale that can be achieved in such areas as the purchase of court supplies or the cost of jurors. Budget treatment of such unpredictable expenditures as those under the Child Care Fund was still another matter of concern. Finally, it was clear that the manner in which demonstration courts with multiple funding sources could handle their budgets would be important.

B. Special Criteria for Evaluation of *Particular* Demonstration Projects

As section B of Chapter I suggests, each of the courts chosen to undertake a demonstration project has special features unlike those of the other demonstration courts. For each of the demonstration projects, three evaluation criteria were therefore applied that were not necessarily applicable to more than one demonstration court. The special evaluation criteria for each demonstration court are presented below.³⁷

1. 46th Judicial Circuit. Table 7 shows the special criteria for the 46th Circuit demonstration project. Each of these criteria is then briefly discussed.

³⁷ See Appendices A-F for summaries of final evaluation findings under these criteria.

**TABLE 7. SPECIAL EVALUATION CRITERIA
FOR ASSESSMENT OF 46th CIRCUIT DEMONSTRATION PROJECT**

Special Criterion Number	Criterion
1A	What are the results of trying a consolidation effort in a multi county circuit with mixed jurisdictional boundaries and multiple court locations, each with only one jury courtroom per courthouse?
1B	What is the impact of the 46th Circuit's Adjunct Advisory Committee on the effectiveness of the consolidated trial court demonstration project?
1C	What are the results of having a compliance officer in the probation department of Crawford County (as well as Otsego and Kalkaska Counties) to monitor compliance, treatment objectives and collection of outstanding receivables?

Special Criterion 1A. Consolidation Effort in Multi county Circuit with Mixed Jurisdictional Boundaries. This is the only demonstration project operating in more than one county. While Otsego, Kalkaska and Crawford Counties were all served by one circuit court (with two judges) before the demonstration project, the counties had three separate probate courts (two with part-time judges, one of whom was a nonlawyer³⁸). Moreover, two separate district courts -- the 87th district, serving Antrim County as well as Otsego and Kalkaska Counties; and the 83rd district, serving Roscommon County as well as Crawford County. Serving three counties, the demonstration court thus has had to deal with *five* funding authorities, in that Antrim and Roscommon Counties fund local court operations with the counties served by the district courts that are part of the 46th Circuit.

Operation of the demonstration project in three counties has presented questions involving coordination and logistics among the judges in the different counties. A critical issue among the judges was whether workloads would be roughly equal -- both with regard to workloads for district and circuit judges and in regard to the role of the nonlawyer probate judge. (See Core Criterion 1.) It also presented issues with regard to coordination of court budgeting issues, with three county funding units supporting operations in the demonstration court and two county funding authorities whose expenditures were *not* part of the demonstration court. Could any economies of scale be introduced with such a budget situation? The probate

³⁸ The nonlawyer probate judge serving Kalkaska County retired in 1997, after which a law-trained judge was appointed and subsequently elected in November, 1998.

judges presented two separate issues -- what was the impact on the project of having the part-time law-trained judge become full time; and what was the role to be played by the nonlawyer judge?³⁹ An additional issue was that each of the four court locations in the three counties had only one jury courtroom per courthouse, which could affect the demonstration court's flexibility in the use of judges to serve as backup support for one another.

Special Criterion 1B. Impact of Adjunct Advisory Committee. The Judicial Council for the 46th Circuit demonstration project was to be supported by a Judicial Advisory Committee, consisting of one commissioner from each of the three counties in the project, the county clerks, the trial court administrator and the demonstration court's chief judge (who is also a member of the Judicial Council and could thereby serve as a liaison between the two bodies).

One issue was the extent to which the creation and operation of the Advisory Committee has helped to establish and maintain support among general county government officials for the demonstration project. A second issue was whether the Judicial Council can use its relationship with the Advisory Committee to advance the purposes of the demonstration project, and the extent to which any particular activities of the Advisory Committee can be linked to any specific outcomes in the demonstration project.

Special Criterion 1C. Compliance officer in Crawford County. The demonstration court reviewed staffing in the district court probation department in Crawford County to ascertain the suitability of adding a compliance officer. (Such officers were already employed in Otsego and Kalkaska Counties.) The question was whether the new compliance officer would improve compliance monitoring and collection of outstanding receivables. A related question was the manner in which the compliance officer would coordinate collection efforts with Department of Corrections probation officers. A further issue was the extent to which any coordination among probation departments in the three counties served by the demonstration court would be beneficial. In each county, a "bottom line" question was whether compliance and collection levels that are achieved warrant the additional cost of such an officer.

2. Barry County. There were three special criteria identified for evaluation of the Barry County demonstration project. They had to do with (1) use of local diversionary and service programs; (2) dealing with the two separate court buildings in the county; and (3) having a collections division for the consolidated court. Table 8 shows the special criteria for Barry County. A brief discussion of each criterion is then presented.

³⁹ This question has been mooted by the retirement of the Kalkaska County probate judge. In keeping with statutory law, a law-trained person has now been elected to fill that position.

**TABLE 8. SPECIAL EVALUATION CRITERIA
FOR ASSESSMENT OF BARRY COUNTY DEMONSTRATION PROJECT**

Special Criterion Number	Criterion
2A	What are the results of having each division of the consolidated court served by various local diversionary and service programs?
2B	What are the results of efforts to address facilities planning issues and issues of records maintenance, security and storage arising from having two separate buildings for the consolidated court?
2C	What are the results of having a collections division to evaluate parties' ability to pay for counsel or services and to enforce and collect moneys due to the consolidated court?

Special Criterion 2A. Each Court Division Served by Local Diversionary and Service Programs. Under the guidance of the pre-consolidation probate judge, the leaders of the demonstration project hoped (a) to make the different diversionary and human service programs formerly provided to individual courts potentially available for all cases in the consolidated demonstration court; and (b) to co-locate programs physically, so that the offices of most are geographically in one place -- on the nearby campus of a local community college.

One question was how much specific programs might profitably be extended to case types other than those to which they were available before the demonstration project. Another was whether judges and program staff could learn enough about one another to make service delivery effective. If judges were calling on service providers in a dramatically expanded number of cases that tested the limits of program resources, the judges and program leaders would have to set priorities among case types in terms of access to services.

Special Criterion 2B. Facilities and Records Issues from Having Two Separate Court Buildings. The pre-consolidation circuit judge had chambers and staff in the old county courthouse, while the district and probate judges' chambers and staff were in the new courthouse across the street. When the current circuit judge came on the bench in early 1995, the judges aggressively cooperated with one another to "move the business" in each pre-consolidation court's case inventory. This resulted in the regular and daily movement of judges, court staff and case files back and forth from one court building to the other. The

judges began discussing the process of relocating the circuit court across the street in the new courthouse. The extent to which this could be accomplished under the demonstration project was therefore an evaluation issue.

As the wording of the criterion suggests, there were “issues of records maintenance, security and storage arising from having two separate buildings for the consolidated court.” What the court and the county were able to do (a) while the separate buildings are used for the demonstration court, and (b) to accomplish a transition to court operations largely in one building, was important to address in the evaluation.

Special Criterion 2C. Collections Division. The Barry County demonstration project application dated December 1, 1995, indicated that the demonstration court would explore the feasibility and practicality of creating “a collections division to evaluate indigence or the ability to pay on a uniform basis, make recommendations to the various benches, and enforce and collect moneys due to the Court.” The test of this idea would be whether the allocation of resources to this function would be justified in terms of more uniform determinations of indigence, increased collections and any collateral impact of such efforts on the rights of people from whom collections are sought.

3. Berrien County. The special criteria for Berrien County are shown in Table 9. Issues associated with each special criterion are discussed below.

Special Criterion 3A. Continuation of Reengineering and 21st Century Pilot Project. Participation as a demonstration court is merely another step in the changes that have occurred in Berrien County in recent years. In 1988, differentiated case management (DCM) was introduced. In 1990, a Judicial Council was established as the trial courts assumed responsibility for coordinated management of their own budgets. In 1991, cross assignment of district, probate and circuit judges was begun, and a drug docket was created. Beginning in 1992, service as a 21st Century pilot project involved consolidation of many administrative functions. And in 1994, reengineering of JUSTIS (an integrated computer system) was undertaken.

**TABLE 9. SPECIAL EVALUATION CRITERIA
FOR ASSESSMENT OF BERRIEN COUNTY DEMONSTRATION PROJECT**

Special Criterion Number	Criterion
3A	What are the results of the court's continuation of its earlier reengineering efforts and participation as a 21st Century Commission pilot site?
3B	How successful was the consolidated court in providing a full range of court operations at its "south county" satellite location in Niles?
3C	What is the outcome of the consolidated court's expansion of its "Tri-Court Services Unit" to serve as a "Court Services Unit," with further consolidation of cashiering services and greater coordination of human services?

Because Berrien County had already introduced many of the enhancements that other demonstration courts are initiating as part of their demonstration projects, court leaders there feared that the improvements to be observed by evaluators might be less dramatic than those found elsewhere. Fairness in the evaluation therefore called for due consideration of earlier developments. Another benefit from taking the court's longer history of change into consideration was that change results not yet evident by December 1998 in some other demonstration projects may already have had time in Berrien County to have come to fruition.

Special Criterion 3B. "South County" Location in Niles. While most of the trial judges in Berrien County sit at the county seat in St. Joseph, one judge of five in the 5th District Court sat before consolidation at a satellite location in Niles, in the southern part of the county near South Bend, Indiana. Having to travel to St. Joseph for all other matters appears to present a serious inconvenience for parties and attorneys from the Niles area. Under the demonstration project, the leaders of the consolidated court planned to have a second judge sitting at least part of the time in Niles. This would permit the court to provide more of a "full service court" hearing all case types (with the possible exception of high-visibility felonies and civil cases) arising in that part of the county. The evaluation question was whether enhanced access to justice and the savings of time and travel costs for case participants (who would no longer have to travel to St. Joseph from the Niles area) would be sufficient to warrant the administrative burden on the court of providing judges and other resources at the Niles court location.

Special Criterion 3C. Expansion of "Tri-Court Services Unit." In their demonstration project application dated November 28, 1995, court leaders from Berrien County proposed

Expansion of the existing *Tri-Court Services Unit*, which presently contains components for pretrial release interview assessment and monitoring, cashiering, collection of various monetary court obligations for all three courts and enforcement of court-appointed attorney reimbursement and forfeiture judgments. This expansion would include cashier collection of all monetary court obligations, both criminal and civil. In addition, this unit would include a judicial support component, which would consist of presentence investigation, alcohol screening, psychological and counseling services, a bailiff “pool,” probation supervision, legal research assistants, enforcement of court orders and scheduling. This agency would also be responsible for the development, monitoring and evaluation of special projects such as victim impact programs, community service, short-term employment and educational programs.

One of the judges of the demonstration court led a task force to explore the implementation of this proposal.

One question was whether results to date have justified the staff reallocation and transition costs to bring about the centralization of cashiering and other functions that were achieved through the creation of Tri-Court Services before the commencement of the demonstration project. A related issue was the extent to which there would be additional efficiencies, cost savings or other benefits resulting from the further consolidation of services under the demonstration project. Court officials anticipated that issues with unions might affect the feasibility of further changes in this area.

4. Isabella County. Table 10 shows the special evaluation criteria for Isabella County. Those criteria are discussed briefly below.

**TABLE 10. SPECIAL EVALUATION CRITERIA FOR
ASSESSMENT OF ISABELLA COUNTY DEMONSTRATION PROJECT**

Special Criterion Number	Criterion
4A	How effective has the consolidated court's special effort been with ADR providers in family and other cases?
4B	What are the results of having strategic planning work groups as a means to address court consolidation issues?
4C	How effective has the consolidation effort been in allowing the court to meet any changes in caseload or case mix generated by Saginaw Chippewa Indian Tribe casino gambling?

Special Criterion 4A. ADR in Family and Other Cases. The Isabella County demonstration project application dated November 1995 indicated that the judges of the demonstration court planned to work with the Mid-Michigan Alternative Dispute Resolution Center and Catholic Family Services on the development of mediation and other ADR programs for family cases. The ADR Center was also prepared to work with the demonstration court in developing other programs.

Whether the demonstration court would succeed in developing less adversarial modes of resolving family issues than the traditional court process was a major question. Another was whether alternative forums could be developed for other cases, to provide additional resources for disposition of cases in a satisfactory and timely manner. This was potentially important as a further means to help the demonstration court address anticipated growth in case volume as a result of tribal casino gambling. (See Special Criterion 4C.)

Special Criterion 4B. Strategic Planning Work Groups. Joint work groups consisting of staff members from all three pre-consolidation courts were formed and working together in 1995 on such demonstration project problems as communications between and among courts, integration of computer systems, and merger of staff members. Changes as dramatic as those involved in consolidation of three separate trial courts involved both (1) technical differences among court staff members in the way they carry out similar functions, and (2) the emotional response of staff members who would face changes in their work environment, relationships and patterns. It was important to learn if this approach to planning for the consolidation would be successful in overcoming resistance to change and in fashioning effective solutions to myriad administrative details associated with changing the way that all three courts had traditionally

operated. Another important issue was the relationship of staff members in the work groups to the three judges leading the consolidation effort, in terms of the willingness of the judges to accept approaches to problems proposed “from below.”

Special Criterion 4C. Tribal Casino Gambling. Tribal gaming operations after 1993 on the Isabella Reservation of the Saginaw Chippewa Tribe have made it one of the largest employers of Indians and non-Indians in Isabella County. Casino gambling is an attraction bringing thousands of people to the area. Construction of a large gaming complex, with a hotel and conference facilities, was completed in late 1996. The influx of growing numbers of visitors to Isabella County for tribal casino gambling was expected to cause continuing sharp increases in trial-court case volume and to change the mix of cases in the court’s pending inventory. With court resources unlikely to rise as fast as case filings, the demonstration court would face the challenge of staying abreast with growing case volume without falling behind in times to disposition.

5. Lake County. The special criteria for Lake County are shown in Table 11. Each criterion is briefly discussed below.

TABLE 11. SPECIAL EVALUATION CRITERIA FOR ASSESSMENT OF LAKE COUNTY DEMONSTRATION PROJECT	
Special Criterion Number	Criterion
5A	What is the effect of having one resident judge in Lake County to handle the entire caseload on a full-time basis?
5B	What is the impact of the Lake County Adjunct Advisory Committee on the effectiveness of the consolidated trial court demonstration project?
5C	What are the results of having one intake office receive all court filings?

Special Criterion 5A. Full-Time Resident Judge. For the demonstration project, the Lake County probate judge went from part-time to full-time status, making him the only full-time judge in the county. (The circuit judge serves both Lake and Mason Counties, while the district judge serves Newaygo County as well as Lake County.) As a result of the probate judge’s transition to full-time status, his circuit and district court colleagues heard matters in which a conflict of interest arose from the probate judge’s former law practice.

Having one judge hear all trial court matters arising in a single county presented questions about the level at which the case volume might exceed the capacity of one person. A related question was whether a single judge could schedule and hear all cases so that all or most proceed to disposition within time guidelines. In an era of specialization could one judge develop and maintain a level of legal expertise sufficient to handle the entire range of case types effectively? Could the work of a single county trial judge be done with reasonable effectiveness and efficiency if the judge has two colleagues in adjacent counties with whom he can share caseloads? How much would a judge's having heard and ruled on substantial issues relating to a party compromise that judge's capacity to be impartial at a subsequent trial or other hearing?⁴⁰

Special Criterion 5B. Adjunct Advisory Committee. The Judicial Council for the Lake County demonstration project was to be supported by a Judicial Advisory Committee, consisting of the county administrator/clerk, two county commissioners and the trial court administrator (who is also a member of the Judicial Council and is to serve as a liaison between the two bodies). The function of the Advisory Committee would be to serve as something of a "ways and means" committee, advising the Judicial Council on fiscal management of the court and otherwise providing suggestions and recommendations to enhance court functions.

One issue was the extent to which the creation and operation of the Advisory Committee would help to establish and maintain support among general county government officials for the demonstration project. A second issue was whether the Judicial Council could use its relationship with the Advisory Committee to advance the purposes of the demonstration project, and the extent to which any particular activities of the Advisory Committee could be linked to any specific outcomes in the demonstration project.

Special Criterion 5C. One Intake Office for All Filings. It had originally been proposed that one intake person would receive all case filings of any kind in Lake County. That plan was modified, however, so that all filings would be made in one intake office on the first floor of the county courthouse, staffed by three or more court personnel. All record keeping for the demonstration court would be centralized in that one office.

One issue was whether the fact that the county clerk is a separate elected official, while clerical staff for the probate and district courts are court employees, would present any impediment to centralization of intake and record keeping. Another was the level of cross training that staff members in the centralized office would need to reach efficiency in the receipt and management of documents and files. A third was

⁴⁰ Examples include (a) holding trial in a felony case after having found probable cause in a preliminary examination; (b) holding a nonjury trial in a civil case after having been involved in a pretrial settlement conference; or (c) holding termination-of-parental-rights proceedings after having found that parents abused or neglected their child.

whether economies of scale would be realized in a centralized office through cost savings in the purchase of supplies and reduction of data-entry and file redundancy. A major question was whether the centralization of filing and record keeping will make the court easier to deal with for citizens.

6. Washtenaw County. There were three special criteria identified for evaluation of the Washtenaw County demonstration project, as is shown in Table 12. Discussion of each criterion then follows.

TABLE 12. SPECIAL EVALUATION CRITERIA FOR ASSESSMENT OF WASHTENAW COUNTY DEMONSTRATION PROJECT	
Special Criterion Number	Criterion
6A	What are the results of a court consolidation effort with multiple funding units in a larger urban setting?
6B	What are the results of trying a consolidation effort in a single-county circuit with judges traveling to hear cases in multiple court locations?
6C	What are the results of the consolidated court's continuation of its strategic planning efforts and participation as a 21st Century Commission demonstration project?

Special Criterion 6A. Multiple Funding Units in Larger Urban Setting. With the seventh highest county population in Michigan and the state's seventh most populous city (Ann Arbor), Washtenaw County is part of the Greater Detroit metropolitan area, and it is the site of a major university. Only five other counties in the state have more trial judges. Washtenaw County had the largest court among those undertaking demonstration projects, with fourteen judges as compared to the eleven judges in Berrien County (the next largest demonstration court). Unlike Berrien County, where court operations had one funding source (the County), trial court operations in Washtenaw County were supported by three funding units -- the County, the City of Ann Arbor and the Township of Ypsilanti.

One question was whether (a) Washtenaw County's size made its case mix and case volume so different qualitatively from the other demonstration projects that the project was faced with workload and case-processing problems fundamentally different from the other projects, and (b) how any differences affect project implementation and outcomes. A second question was whether the size of the court made the interactions of its judges and the role of court staff in the project so different from other demonstration

projects that implementation dynamics and outcomes might be different. Finally, there was the question of court budgeting relations with three different funding sources, and the impact of that on process and outcomes for the demonstration project.

Special Criterion 6B. Judges Traveling to Multiple Locations. Trial court cases in Washtenaw County are heard at seven locations: the County Courthouse in Ann Arbor (circuit, probate, and 15th district cases); the County Juvenile Center (juvenile cases); District 14A1 (Washtenaw County Service Center); District 14A2 (City of Ypsilanti); District 14A3 (Chelsea); District 14A4 (Saline); and District 14B (Ypsilanti Township). Under the demonstration project, it was initially conceived that judges would travel to hear cases rather than having files transferred to judges sitting at fixed locations. After its demonstration project application was submitted, the demonstration court changed its policy on whether individual judges' court recorders and other personal staff members were to travel with them.

One question was whether cases would be heard in as timely a fashion as they had been before commencement of the demonstration project, and whether local officials believed that citizens would be as well served. A second question was whether the judges and staff would be able to schedule, hear and process cases as effectively and efficiently as before commencement of the project.

Special Criterion 6C. Continuation of Strategic Planning Efforts and 21st Century Demonstration Project. About five years ago, Washtenaw County circuit judges assumed responsibility for timely movement of civil cases through development of a caseflow management plan with considerable public and bar input. Like Berrien County, Washtenaw County then participated as a "21st Century pilot project," under which district court felony preliminary examinations (formerly held in five locations) were centralized and a civil trial "spinoﬀ" system was introduced to help maintain firm trial dates. With the assistance of a facilitator/consultant, the court undertook a strategic planning process. The court was also considering the creation of a "Children's Docket" to improve the resolution of cases involving minor children and to increase access to needed resources.

Because of the efforts that have previously been undertaken in Washtenaw, changes as a result of the demonstration project could be less dramatic than those in other projects without such a history of recent improvement efforts. On the other hand (as with Berrien County -- see Special Criterion 3A), a benefit from taking the court's longer history of change into consideration would be that change results might have had more time in Washtenaw County to have come to fruition than in some other demonstration projects.

CHAPTER III.

EVALUATION FINDINGS AND CONCLUSIONS

In the summer and fall of 1996, and then again in the spring of 1998, NCSC project evaluators held interviews and facilitated focus groups with key participants in the judicial process for each demonstration court. With the aid of analysts from SCAO, administrators and staff in each demonstration court then provided qualitative and quantitative information to the project evaluators in December 1996 and June-August 1998 as data from before and after project commencement for evaluation of the demonstration projects. The findings by NCSC evaluators in terms of *core* evaluation criteria applicable to all six demonstration courts are summarized in section A below. Overall evaluation conclusions are presented in section B. For more detailed information about any particular demonstration court, see Appendices A-F and Volumes One through Six.

A. Evaluation Findings under Core Evaluation Criteria

As Chapter II indicates, there are eight core criteria for evaluation of all the demonstration projects. The overall results for the demonstration courts with regard to these criteria are discussed below.

1. Use of Judicial and Quasi judicial Resources. Under each demonstration project, all judges have jurisdiction to hear any trial court matter regardless of the court to which they were elected or appointed. As a result, there is a broader pool of local judges available on an ad-hoc basis to help one another in the handling of their respective dockets. As a result of having more flexible availability of local judges for cross-assignment, every demonstration project needed fewer short-term assignments by the State Court Administrative Office of judges from other counties to assist in the event of vacations, illnesses or disqualification of judges.

The judges in the demonstration courts have concluded that “judging” at the trial court level has many elements (such as presiding in a courtroom and applying the rules of evidence) common to any kind of proceeding. Any judge can handle most general criminal and civil matters reasonably well. Judges have found that they must deal with a “learning curve” in areas to which they have not had recent exposure, however. Judges with more specialized experience can handle cases more easily in some specific areas, such as complex civil, criminal or family litigation; assessment of juvenile placement options; some landlord/tenant matters; and estate issues relating to guardianships and conservatorships. The demonstration courts have generally come to an operational balance between having judges assigned to specific areas of

concentration (i.e., division assignments), while at the same time having local judges provide ad-hoc mutual cross-assignment assistance to one another.

One of the attractions of having cross-assignments among local judges is that district and probate judges have had an opportunity from time to time to hold trials in circuit-level civil and criminal cases. While this has given judges a chance for variety, it has also presented problems. Some of the demonstration courts have had to guard against the risk that district or probate judges might come to consider themselves being overburdened with work “dumped” on them by circuit judges (for example, by having district judges authorized to take felony pleas at the time of preliminary examinations), without any effort by circuit judges to give reciprocal assistance as needed with district or probate workloads.

Judicial leadership in the demonstration courts has been another issue. The role of the chief judge has been contentious in some of the courts. As a general rule, decision making for each consolidated court has been the responsibility of its Judicial Council (consisting of judicial leaders and other stakeholders), with the chief judge of the court deciding matters on which consensus cannot be reached. Another contentious issue in some courts is whether it is advisable for the chief judge to take less than a full judicial workload. In each of the projects, the chief judge-court administrator team has been critical for overseeing day-to-day operations, providing a link between court staff and the bench, and helping the court relate to others interested in the judicial process.

Courts in every demonstration project have magistrates and referees to perform quasi judicial functions. More flexible use of such quasi judicial officers in the demonstration projects has been hampered by statutory constraints on their qualifications and functions. Another barrier to easy sharing of functions has been the fact that there are substantial substantive differences in law and procedures that must be administered by district court magistrates, juvenile referees and friend-of-the-court (FOC) referees. Cross training and cross assignment of magistrates and referees have been limited in the demonstration projects. Multi county and multi district demonstration projects, however, have arranged for their district court magistrates to provide coverage for one another with warrant requests on nights, weekends, holidays and vacations.

2. Effect of Having a Family Division. In every demonstration project, responsibility for hearing divorce cases with minor children involved has been assigned to the judge(s) of the consolidated court’s family division, where juvenile and other family-related matters are also heard. (In this respect, the demonstration projects anticipated the requirement under 1996 Michigan Public Act 388 that there be a family division in each circuit court.) In each demonstration project, the creation of a family division has been a positive experience. Having all related matters for one family come before the same judge appears

to have reduced confusion and multiple court appearances for parties; reduced attorney court appearance costs; avoided conflicts in such matters as custody rulings that might be made in both domestic relations and juvenile proceedings; and permitted family access to needed services that might previously have been available in one court but not another. Potential for reduction in multiple court hearings is accompanied by potential for more prompt resolution of cases. Family judges with a probate/juvenile background hearing divorce cases have brought another perspective to the interests of children.

Having a family division highlights the need for the court to identify situations in which a family may be appearing in more than one kind of court proceeding. The most common such circumstance is when a family appears in divorce proceedings, support enforcement matters with the Friend of Court (FOC), and juvenile abuse and neglect proceedings. Some courts have made broader use of alternative dispute resolution (ADR) or of FOC services for families. In general, the potential has been created for broader cooperation between FOC and juvenile court personnel. Having one or more judges dedicated to family matters has often meant that a judge can hear FOC cases, including FOC bench warrant hearings, more expeditiously.

The creation of family divisions in the demonstration courts has also allowed potential problems to become more visible. Having all the matters of families before a judge can overload the judge, both in terms of cases and emotionally charged work. Court support staff can be overwhelmed by a family division's concentration of the unhappy and troubled parties that are usually involved in family matters. In at least one demonstration project, there was a perception among some that the creation of a family division has created an additional layer of administration that slows the resolution of operational and policy decisions that may require quick solutions. Finally, a court's ability to identify and coordinate court events for families appearing in different kinds of cases can be hampered if there are information-sharing problems among separate computerized case information systems created for formerly separate circuit court, probate/juvenile court and FOC operations.

3. Cost-Effectiveness of Court Operations. While court budgeting (see Core Criterion 8) has to do with management of financial revenues and expenditures, cost-effectiveness under this evaluation criterion has to do with the manner in which court resources are used to achieve court purposes. One aspect of cost-effectiveness has to do with the use of judicial and quasi judicial resources (Core Criterion 1). Costs for out-of-county visiting judges were universally reduced by having local judges available for ad-hoc cross assignments. Many observed that family division operations (Core Criterion 2) might reduce litigants' costs for court appearances if they would otherwise have to appear in multiple forums. Having a family division allows courts to see broader dimensions of the problems that families face, sometimes allowing the entry

of court orders for a wider array of services than might otherwise be available for children and families. Court technology improvements (Core Criterion 7) have generally permitted fuller and more efficient exchange of case information, with clear cost savings in courts that have introduced video arraignments, audio conferencing, and computerization of law library research.

For the demonstration courts that had not already made improvements as a result of their participation as 21st Century pilot project courts, consolidation provided an opportunity to achieve cost savings. Consolidation permitted centralization of jury management, with resulting cost savings. It also allowed courts to enter consolidated contracts for provision of court-appointed counsel to indigents, with savings and greater predictability of costs. Three of the courts were able to increase fine and fee revenues as a result of their demonstration projects, and a fourth court continued the aggressive attention to fine and fee collection that its circuit judge had initiated the year before demonstration project commencement.

Another important area is the management of case inventory and pace of litigation. Data suggest that consolidation in most of the demonstration courts has generally either helped reduce the size and age of pending case inventories or helped a court deal with increased filings. Pending “district court” inventories have risen in some of the courts, however. For felony case processing, each demonstration project involves early reception of guilty pleas at the time of preliminary examination. This has helped reduce felony disposition times and reduced the number of court appearances per case.

Effective coordination of court support personnel resources and streamlining of case processing were potentially important in each project. Two demonstration courts pooled all clerical support personnel and case files in one location. Another court created one file room each for all of its criminal, civil and family cases, creating a single case-file numbering system for all its criminal cases (with suffixes to distinguish felonies and misdemeanors), instead of having separate district and circuit files for felonies. In some circumstances, demonstration courts were able to take advantage of staff vacancies to fund restructured or new positions to permit improved operations. In addition, the scheduling of cases for judges was centralized in three projects. Each project involved changes in the roles and responsibilities of court administrators – in each project, administrators had such responsibilities as managing communication and coordination across divisions; overseeing changes in technology; and helping to bring about greater budget coordination. In at least two demonstration projects task forces or work groups recommended changes that resulted in streamlined case processing practices and procedures.

Not all of the hopes for the demonstration projects were achieved within the first two years of implementation. Reallocation of court support staff to meet shifting workloads was limited, as was cross training. Because adult felony probation agents are state DOC employees, while misdemeanor and juvenile

officers are local court employees, coordination (and not merger) of probation services was the best that could be accomplished in the initial years of project implementation. While there were some efforts to improve the use of magistrates and referees, cross training and cross assignment were generally limited. While the demonstration projects may have caused some of the judges to be more sensitive to the cost consequences of juvenile placements, it is not clear that any reductions in expenditures under each county's child care fund were a result of the demonstration projects themselves.

4. Key Stakeholders' Perceptions of Court Operations. Courts must not only *do* justice, but they must also be *perceived* to be doing justice. In the course of information gathering for this evaluation, the evaluators interviewed judges, court staff, attorneys, county government officials, law enforcement officials, and court-related state officials in each county about court operations under the demonstration projects. For the final evaluation, they also conducted focus groups to learn the views of different stakeholders in the court process.

Common positive observations in interviews and focus groups were that the projects make better use of judge time, that cases are being disposed more promptly, that family divisions give better service to children and families, that Judicial Councils are an effective forum for decision making, and that technology improvements have enhanced court operations. In general, court leaders (judges and court administrators), county officials, and informed citizens were the most positive about the demonstration projects. Those who found the implementation effort most difficult were court staff members. In all of the courts, they had to deal with myriad changes in day-to-day case-processing details as a result of implementation. This had a negative impact on morale in some of the courts, with staff members feeling overworked and inadequately prepared for the scope of changes. Regular institutional participants in the court process (such as prosecutors and other lawyers, probation officers, law enforcement officers, and caseworkers) were mixed but generally positive overall. When evaluators visited court sites in the first half of 1998 for this final evaluation, stakeholders in two demonstration courts were overwhelmingly positive about consolidation; those in two courts were generally positive; and a number in the other two courts were still struggling with the changes involved in the implementation effort.

5. Coordination with Court-Related Agencies. In each Michigan trial court, there are various court-related officials and organizations -- such as the county clerk's office, the county prosecutor, the county sheriff, and the DOC probation agents -- with whom the court works every day. Day-to-day implementation of each demonstration project necessarily involved coordination with each of these officials

or agencies. The meetings of each project's judicial management council⁴¹ generally provided a forum for such officials to learn about the plans of court and project leaders, to indicate the potential effects of any changes, and to initiate discussion of issues coming from their own involvement with the projects. In almost all instances, the operation of the demonstration projects has involved active consultation and coordination with these participants in the court process.

The county clerks in most of the demonstration sites have been supportive of the projects, although the staff members in each clerk's office have experienced changes in their work responsibilities and environment. County prosecutors in half the projects were positive about consolidation, and those in the other courts had more mixed feelings. Changes in judge use meant more pressure on prosecutors to be in court, especially in district divisions for pleas at or near the time of preliminary hearings; but overall there were fewer court appearances required per felony case. Sheriffs generally favored consolidation, although requirements for more court security were greater in some of the demonstration courts. Where case processing was expedited, there was potential for jail crowding to be eased; and prisoner transport costs for sheriffs were reduced where video arraignments were introduced. DOC probation agents had mixed responses to consolidation, which was accompanied in some of the courts by changes in the timing of presentence investigation reports for felony cases.

6. Effect of "Obstacles to Change" and "Change Enhancers." Each demonstration project's court consolidation effort has involved substantial changes from prior practices, and various factors have served as barriers to the successful implementation of such changes. Court facilities were a problem for each demonstration project – for some, they presented problems of space and security, and none were constructed to serve the operations of a single consolidated court. None of the projects was defeated by this problem, however. Anxiety and uncertainty among court support staff about the changes involved in court consolidation were other common concerns among almost all demonstration projects. By the time of information gathering for the final evaluation, however, all but one or two of the projects had largely overcome this difficulty. In half of the projects, personality issues among judges (such as resistance by a judge to the notion of consolidation) were problems that had largely been overcome by 1998.

In several courts, union issues were a looming concern, although no project encountered any serious difficulties in this area. Salary differentials among staff members who had performed the same work in

⁴¹ In each demonstration project, there was a judicial management council including judges from each of the pre-consolidation courts [as well as the court administrators in some projects] working with the chief judge to guide project implementation.

separate pre-consolidation courts were an issue in some projects, but remedial steps were being taken by the second year of implementation.

The fact that probation agents serving convicted felons are state employees of the DOC presented structural barriers to the integration of probation services for felony, misdemeanor and juvenile delinquency probationers. Even without integration, however, almost every demonstration court was able to achieve greater coordination of probation services. Another barrier to change in every court was the statutory limitation of the functions that may be carried out by nonlawyer magistrates and referees. Even with law-trained magistrates or referees, the differences in responsibilities among the magistrates and referees largely stood in the way of cross training or cross assignment except in the multi county and multi district projects where arrangements were made for district magistrates to cover for one another on nights, weekends and holidays.

A final obstacle to change involved the fact that these are only “demonstration projects,” after which it might be necessary to revert in whole or part to the pre-consolidation operation of separate and independent trial courts in each of the demonstration counties. This had the effect of causing some participants in the projects to withhold full commitment to the implementation effort, until the Michigan Supreme Court entered an administrative order in December 1997 that authorized the indefinite continuation of consolidation in these courts.

In order to overcome such obstacles to change, those leading the implementation of each demonstration project have had to rely on factors promoting the possibility of change. Chief among these assets were the commitment, cooperation and hard work of judges, court administrators and court support staff. Support from officials in general county government was critical, as was support from members of the local bar. Three of the demonstration projects had the assistance of outside professionals serving as facilitators in the change process or aiding with strategic planning.

7. Use of Court Technology. Every one of the demonstration projects included court technology improvements as a significant element. A common goal for all the projects was to ensure that computer information systems were introduced or upgraded in every division of the consolidated court, and that the information systems for all divisions would either be fully integrated or would permit access among systems and divisions. While the pre-consolidation courts in each demonstration project had different situations in terms of their information systems, every project has made substantial progress toward the achievement of this goal.

In the 46th Circuit, integration of case information systems in three counties has given all judges and court staff members access to all case records. Citizens can file documents or make payments (including

those by credit card) at any court location. Judges can communicate with each other by electronic mail and check each other's dockets. The development of a computer link among the Trial Court divisions in Barry County allowed improved scheduling coordination, easier communications among judges and court staff members, and better service to citizens seeking information about the date, time and location of court proceedings. Enhancement of the case information system for the Berrien County Trial Court has provided such advanced capacities as on-line case record updates from courtrooms, flexible information use from a relational database, and data entry/retrieval compatible with the needs not only of all three court divisions but also outside agencies.

Conversion to an upgraded computer case information system in Isabella County has provided better access to case records. In Lake County, the demonstration project permitted the acquisition of automation for estate and juvenile cases, to complement what was already available for circuit, district, and FOC matters. In Washtenaw County, the county-based automated case information system was extended to include juvenile cases, estate cases, and district cases for the 14B and 15th District Courts. This permitted improved maintenance of case records and broader access for judges and court staff members to case information. The court and the county government in Washtenaw County also supplemented the automation needs of DOC probation agents in Washtenaw County, thereby enhancing their access to and management of probation information.

In addition to case information system improvements, each demonstration project employed technology to achieve other benefits. The introduction of video arraignments in two projects reduced prisoner transport costs for the sheriff's office and reduced courthouse security problems. A new video system to make the record of court proceedings was introduced in a courtroom in one project where it had not been used before, and two other projects increased the number of courtrooms using video for this purpose, thereby increasing court flexibility in the management of court reporting services. In its first year of operation in the 46th Circuit project, audio conferencing yielded savings exceeding total costs of installation. Automated legal research in law libraries has saved money for each county in the 46th Circuit. In Lake County, the court installed an automated cash register linked to the county treasurer's office, and this permitted improved management by the court and the county of cash receipt information.

Technology improvement efforts did not always proceed smoothly. The update of a county-based case information system during demonstration project implementation in one county only amplified the difficulties that court staff members were experiencing as a result of other changes introduced as a result of consolidation. Introduction of a unified case management system and an upgrade in the law library network in another project were not completed during the first two years of demonstration project implementation,

and this limited the achievement of desired improvements. Finally, while computer-assisted preparation of traffic tickets would greatly increase efficiency of case processing, it has been difficult to implement in the two demonstration courts considering its use.

8. Court Budgeting. One of the requirements of the Supreme Court in the designation of demonstration projects was that each must involve the development of a single unified budget for all court revenues and expenditures. Different project start times and, for some of the projects, more than one local funding unit, meant that full consolidation of budgets could not be achieved in all of the demonstration courts. Yet all of the projects made substantial progress in this direction. Preparation and presentation of budget requests to local funding officials were a coordinated effort in every project. As a result, different courts were not competing with one another for available resources. In most of the projects, budget requests were affected by efforts to achieve economies of scale in such areas as elimination of separate jury pools and creation of a single contract for all court-appointed counsel.

B. Overall Evaluation Conclusions

Authorization of the six projects to demonstrate the effects of trial court consolidation was a bold effort by the Michigan Supreme Court to explore ways that the provision of justice to Michigan citizens in the new millennium might be improved. Moreover, the judges, court staff members and other stakeholders in the six jurisdictions that undertook the demonstration projects all merit high praise for their willingness to make what were often dramatic operational changes. In terms of the eight core evaluation criteria, trial court consolidation in the six demonstration projects has generally been successful:

- The demonstration courts generally came to an operational balance by having judges assigned to specific areas of concentration (i.e., division assignments), while at the same time having local judges provide ad-hoc mutual cross-assignment assistance to one another.
- Family divisions in the demonstration courts were viewed positively by almost all stakeholders, who perceived improvement of services to provide better justice for children and families than was the case in the pre-consolidation courts.
- While caseload management improvements were not universal, the demonstration courts appear generally – and in some projects significantly – to have reduced the size and age of their pending inventories for many types of cases.
- The demonstration projects provided an opportunity for reduction of costs through such steps as lower need for out-of-county visiting judges; centralized jury management; and consolidated contracts for provision of court-appointed counsel to indigents. Some of the courts also used “compliance officers” to increase fine and fee collections.
- Stakeholder perceptions of court operations under the demonstration projects were most positive among court leaders, county government officials and informed citizens. Internal stakeholders (court staff members) faced the greatest difficulty with the demonstration projects because of the

changes that project implementation caused in day-to-day court operations. Few stakeholders supported a return to the pre-consolidation status, however.

- The participants in the demonstration projects were generally able to overcome obstacles to change through the commitment and hard work of judges, administrators and court staff members and the support of county government officials.
- Improvements in automated case information systems generally enhanced scheduling and information exchange in the demonstration projects. Other technology improvements also yielded benefits sufficient to justify their cost.
- The consolidation effort in each project resulted in greater budget coordination among court officials and with county funding authorities.

Not all of the anticipated benefits of the demonstration projects were achieved. Cross assignment and cross training of quasi judicial officers were limited by differences in the work of magistrates and referees and by statutory limitations on their authority. Cross assignment and cross training of court support staff were also limited in the first two years of project implementation, although further developments in this area may be possible as court leaders and staff members have greater experience with consolidated operations. Integration of probation services could not be achieved, although there was generally enhanced coordination. Complete consolidation of court budgets could not be accomplished in most of the demonstration courts in the first two years of project implementation.

In two of the demonstration projects, the creation of a consolidated trial court did not do away with the structural distinction between “circuit-level” and “district-level” criminal and civil cases. The three multi-judge demonstration courts that created a “criminal division” and a “civil division” found it difficult, and one of them reverted to the circuit/district structural pattern as a result. In the smallest demonstration court, having a full-time resident judge to hear all trial matters was a success.

Among the obstacles to change faced by the demonstration projects, three stand out as the most significant. Judicial personalities were critical in each project, and those projects with the greatest difficulties had judges whose lack of commitment to the demonstration project or inability to communicate its benefits to court support staff members created a negative implementation environment. In almost every project, court support staff members found the implementation process to be difficult and stressful, although staff members in at least two of the demonstration courts had successfully overcome the difficulties of transition by the time that evaluators were gathering information in the spring of 1998. Finally, none of the demonstration projects had court facilities fully conducive to consolidated court operations. While no project failed because of facilities, each project had to cope with facilities problems of greater or lesser magnitude.

Based on the results of the demonstration projects, Michigan trial courts should be permitted to consolidate in counties where court leaders have undertaken appropriate planning and coordination with

county government officials and court-related agencies. Even without formal consolidation, however, local trial courts can accomplish many of its benefits through blanket cross assignment of local judges; providing for felony pleas to be taken at the time of preliminary examinations; centralization of jury management and of contracts for court-appointed counsel; enhanced attention to compliance with court orders relating to fines and fees; greater communicability and compatibility of case information systems, as well as other technology improvements; and greater budget coordination. Any Michigan trial court that contemplates significant steps toward consolidation or greater coordination should recognize the need for commitment by judges and court support staff members to these ends. Finally, any planning for new construction or major renovation of court facilities should consider designing a courthouse in which size and layout enhance the prospect of success with consolidated or more coordinated trial court operations.

APPENDICES

**INDIVIDUAL DEMONSTRATION PROJECT EVALUATION
SUMMARIES**

APPENDIX A.

**FINAL EVALUATION SUMMARY INFORMATION
FOR 46th CIRCUIT DEMONSTRATION PROJECT**

APPENDIX A. FINAL EVALUATION SUMMARY INFORMATION FOR 46th CIRCUIT DEMONSTRATION PROJECT

The 46th Circuit Trial Court has the most complex boundary issues facing any of the demonstration sites. It serves three counties, includes two multi county district courts (each with one county outside the project), and it has three probate courts. These three counties have a total population of about 43,000 (the largest town having only about 3,200 residents), so that this demonstration court operates in a decidedly rural setting. In the evaluation of the 46th Circuit demonstration project, special consideration must be given to these factors.⁴²

Table A-1 below summarizes findings for the 46th Circuit under core evaluation criteria. Table A-2 summarizes results from focus group meetings facilitated by NCSC evaluators in April 1998. Table A-3 summarizes findings under special evaluation criteria.

⁴² For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume One: Final Evaluation of 46th Circuit Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998).

TABLE A-1.
SUMMARY OF FINDINGS FOR 46th Circuit
UNDER CORE EVALUATION CRITERIA *

Core Criterion	Summary of Final Evaluation Findings
1. How does consolidation affect the use of judicial and quasi judicial resources?	Judges are assigned to circuit, district and county (family) divisions. District division judges are authorized to take felony pleas. Probate judges in county (family) division hear divorces with children. Out-of-county visiting judge assignments have been reduced considerably. While most uncontested matters and most contested civil and criminal matters can be heard by any judge, specialized knowledge is most valuable in (1) juvenile abuse & neglect matters with expert witnesses and placement issues; (2) complex civil matters; and (3) some landlord-tenant cases. The role of the chief judge has been an issue, including questions of the chief judge's working relationship with the court administrator and the Judicial Management Council, and whether the chief judge should have a reduced judicial workload because of his administrative responsibilities. Under authorization from the Supreme Court, magistrates and referees can act in any one of the counties in the circuit, which has increased their collective availability. Availability has also been enhanced by the use of in-home fax machines for them to authorize bonds and warrants by fax after regular work hours.
2. What is the effect of having a family division as part of each demonstration project?	Interviewees and focus group members indicated that this has been extremely positive. Having one judge from the same county deal with families is very important. Familiarity with a family permits the judge to ensure that children's interests are served. An anecdotal perception is that cases are resolved sooner. Family division gives greater flexibility for family judge to enter orders and provide services appropriate for families. "Master index sheet" helps court identify related cases with same family. The FOC in one or more counties has problems – the FOC office is not at the courthouse, and FOC staff numbers may be inadequate to deal with expanded court time. Negative consequences are seen if the Crawford County probate judge returned to part-time status.
3. How does consolidation affect the cost-effectiveness of court operations (e.g., by reducing administrative and service duplications)?	The age of the pending civil inventory was lower at end of 1997 than it was at the end of 1995. There have been solid improvements in case-processing times from 1995 to 1997. Having district division judges take felony pleas has reduced disposition times and number of hearings for felonies, though it may cause district court times reported to SCAO appear to be longer. Jury management has been consolidated and refined. A three-county contract for indigent defense services has reduced costs and provided for expanded indigent attorney coverage. A unified personnel policy has been implemented for the consolidated court. There is a single clerk's office counter for public access in one county. The Trial Court is exploring ways to reallocate staff as needed to cover workload imbalances. A classification study is planned to standardize employee job descriptions. While there has been no merger of probation officers & caseworkers, there is greater coordination of their services and information. Reduced costs for the child care fund may be a one-time result of having high-cost placements terminated.

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume One: Final Evaluation of 46th Circuit Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter II.

TABLE A-1 (continued).
SUMMARY OF FINDINGS FOR 46TH CIRCUIT
UNDER CORE EVALUATION CRITERIA

4. How does consolidation affect key stakeholders' perceptions of court operations?	Most stakeholders believe that consolidation makes sense & improves use of judicial resources. Some believe that the chief judge of the Trial Court should be more a judicial liaison and a less forceful administrator. The family division is viewed very positively. Informed citizens are very positive about project, although internal stakeholders and institutional participants are less favorable. Implementation problems – staff morale, staff work levels, public confusion, adequacy of cross training, & adequacy of communications – have caused difficulties for court staff. Despite any problems, no stakeholders wish for a return to the pre-consolidation court structure. (See Table A-2 for highlights of positive and negative perceptions by members of each focus group.)
5. Does consolidation promote improved coordination with court-related agencies?	Workload pressures for county clerks' staff members have been eased by a computer "bridge" between district and circuit division case information systems and the centralization of jury management under the court administrator's office. The county clerks are generally positive about the project, though communication is a major concern. Having more full-time judge presence to hear cases has increased court security demands on sheriffs' offices. The demonstration project has had little impact on state police, although greater availability of magistrates with in-home faxes has eased after-hours efforts to obtain approval of warrants. County prosecutors have been affected differently by the new practice of having district division judges take felony pleas – they spend less time in the circuit division, but more time in the district division, with one less appearance per felony case. DOC probation agents have also had to adjust practices to deal with felony pleas in district division. It is not clear yet whether creation of family division has resulted in a heavier demand on the resources of service providers.
6. What effect do "obstacles to change" and "change enhancers" have on consolidation?	There were several "obstacles to change." The effects of having one judge oppose the project have been minimized through planning, perseverance and cooperation among other judges and court personnel. Policy changes and reallocation of work assignments among judges and court staff has caused dissatisfaction among some court staff members. Because some but not all court employees are unionized, the Trial Court has had to make sure that personnel practices and decisions reflect fair employment practices. The court has introduced uniform personnel policies and taken initial steps toward equalization of salaries and benefits. Staff identification with a single Trial Court rather than the former separate courts has been slow to develop. Having to travel among counties and having a limited number of jury courtrooms in each county has hindered efficient use of judge time. Until his retirement, a part-time nonlawyer probate judge could not perform the same range of judicial functions as law-trained colleagues. There were also several "change enhancers." Judge proponents of consolidation have been committed to making it work. Court technology has been used effectively by the court administrator. The project has also benefitted from the efforts of court leaders to elicit and maintain support for the project from the bar and the public.
7. Does consolidation result in improved use of court information systems or other technology, and is that linked to enhanced court efficiency?	As a result of computerization improvements and integration of case information systems for all three court divisions in all three counties, judges and court staff members have access to records for all cases pending throughout the circuit. Having an automated link for case records among all court locations has meant that people can file documents and pay fines and fees (by credit card or otherwise) at any court location. Judges can communicate with one another by electronic mail, and a "master schedule" includes the dockets of all the judges. The introduction of audio conferencing equipment in all courts for remote trial/hearing testimony, conferences and other activities yielded savings by the end of 1996 alone that exceeded the initial investment under the demonstration project. Computer automation of library research materials has yielded significant cost savings in each county. Efforts to have law enforcement officers write computerized traffic tickets for appearances in each county are being promoted by the court administrator

TABLE A-1 (continued).
SUMMARY OF FINDINGS FOR 46TH CIRCUIT
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
8. What effect does consolidation have on court budgeting?	The Trial Court did not submit a uniform joint budget in 1996 for calendar year 1997, because the attention of court leaders was focused on developing a uniform personnel policy. For 1998, court officials assumed responsibility for coordinated budget monitoring, preparation and presentation to county officials.

TABLE A-2. PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN 46TH CIRCUIT*

Focus Group	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Internal Stakeholders (10 focus group members)	<ul style="list-style-type: none"> • One location in each county to service needs of public • One group striving to make it easier for the public • Understanding of other units of court enhances ability to serve the public • Benefits of demonstration project for judges and administrators only, not court staff • Observed better interaction among court personnel • Creation of magistrate districts has improved service to the public • Judges pitch in for each other in the 87th district • Public service has improved in that one judge handles all family, domestic violence and juvenile cases • Computer “bridge” between circuit court and district court • Bulk ordering has reduced some operational costs • Improved jury management • Fines and fees may now be paid by credit card • Traffic matters hooked into sheriff’s office, reducing data entry by court staff • Clerks can set court dates right in the court 	<ul style="list-style-type: none"> • Need to consult with the people in the “trenches”. Lack of communication has created morale problems • 87th district court employees lost pay and benefits with the implementation of unified personnel policies • Family court judge in one county now has to handle small claims matters taking time away from family matters • Scheduling is very difficult for FOC. Judges doing more and covering multiple areas. FOC does not have extra staff to cover expanded dockets. Judges do not have a full understanding of what FOC does • Problems with consolidation in Gaylord because of three court locations • Too many irons in the fire. Decisions coming fast and furious. Support staff cannot keep up with demands. Not enough time spent developing and implementing before move on to next project • Sentiment by administrators that court system is not a “democracy” and if you do not like it then leave • Turnover has increased dramatically. Young staff with little experience in place • No down time for staff because court offices are always “open” • Communication with FIA has deteriorated • Poor quality of presentence investigations by sub-contractor • More court hearings for juvenile matters delaying consequence of actions.

* Source: April 1998 focus groups facilitated by NCSC evaluators.
National Center for State Courts

TABLE A-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN 46TH CIRCUIT

Focus Group	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Internal Stakeholders (continued) (10 focus group members)		<ul style="list-style-type: none"> • Workload has increased and quality is suffering • Lessens pride in job • Inadequate facilities to support demonstration. Kalkaska needs another courtroom. Gaylord is too spread out • Facilitation session with Dale LeFever good but concepts never carried out • Biggest disappointment is the updated personnel policies • Administrators have no idea of the nuts and bolts of operations • Need an employee referee on Judicial Council
Institutional Participants (9 focus group members)	<ul style="list-style-type: none"> • Consolidation means restructuring courts to be more streamlined • Manageable and user friendly docket • Expedited matters in district court • Decreased number of appearances in district court with felony pleas • Crawford County now has a full time judge on site • Audio conferencing • Increased availability of judges • Pre-trial conferences by phone • Magistrate districts and fax availability for warrants and bond applications • Court communication to institutional participants regarding project was very good • There is a substantial savings in the cost of indigent appointments • Improved case processing and timely resolution • Benefits outweigh the negatives 	<ul style="list-style-type: none"> • Although theory that judges are fungible, have not seen circuit judges cover district court matters • Sheriffs' offices are seeing increasing cost. Pulling people off road duty to cover court duty. Security is a problem • Improvement in family court operations is more attributable to judge than system. Very aggressive judge • Court is streamlined on paper but not more efficient • Court may be unified but support offices not cooperating • Has lead to increased judge shopping • Courts are not responsive to township violations • Compounding factor is massive growth in area and increasing caseloads
	<ul style="list-style-type: none"> • Continue with demonstration projects. Need time to work out kinks in structure 	<ul style="list-style-type: none"> • Support staff in Kalkaska prosecutor's office working harder since demonstration project. May be a result of increasing caseloads though • Sheriff's office sees increase costs in the form of overtime. Manpower is an issue • Lack of communication between district court and county court clerks • Questionable quality of justice. Faster does not always mean better. Often inexperienced judges handling sensitive matters • Fungibility of judges not as true as initially perceived • Court will never be truly consolidated with blend of elected and non-elected personnel • Need better communication regarding court scheduling • Need increased funding to all support services • Average Rating-5 on scale of 10

TABLE A-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN 46TH CIRCUIT

Focus Group	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Informed Citizens (3 focus group members)	<ul style="list-style-type: none"> • Better coordination for children and families. Court administrator has accessed funds for services to children and families • Has observed cooperation and communication • Consolidation should continue 	<ul style="list-style-type: none"> • Some confusion as to structure and respective roles of players in court process for the public. Changes could have been better advertised • County still spends the same amount for indigent defense services • Need more state funding to offset child care fund • Court needs to develop a brochure of court services and community resources

**TABLE A-3.
SUMMARY OF FINAL EVALUATION FINDINGS
UNDER SPECIAL CRITERIA FOR 46TH CIRCUIT***

Special Criterion	Summary of Findings
1A. What are the results of trying a consolidation effort in a multicounty circuit with mixed jurisdictional boundaries and multiple court locations, each with only one jury courtroom per courthouse?	Court leaders introduced consistent courtwide policies in such areas as jury management and personnel management. Efforts were made to eliminate a mismatch between district and circuit court geographical boundaries. After a law-trained judge took the probate bench in Kalkaska County, official authorization was sought for the probate judges in Crawford and Kalkaska Counties to hear all probate-district family matters. Steps are underway to create a second jury courtroom in each of the Kalkaska and Crawford County court locations.
1B. What is the impact of the 46th Circuit's Adjunct Advisory Committee on the effectiveness of the consolidated trial court demonstration project?	Such a committee was not formed. Instead, the Trial Court created a Council of Commissioners with two commissioners from each county to be an advisory body to the chief judge. A Stakeholders Committee with court staff, police, prosecutors and other court users was created. Finally, a Management Assistance Council with a court staff member from each court location was created. Only the Management Assistance Council has had more than sporadic meetings. All have been sources of feedback to court leaders, however.
1C. What are the results of having a compliance officer in the probation department of Crawford County (as well as Otsego and Kalkaska Counties) to monitor compliance, treatment objectives and collection of outstanding receivables?	With the support of county commissioners, a compliance officer was hired for Crawford County in 1997. Giving special attention to fine and fee collection, the person in this position has generated additional revenues totaling about \$90,000.

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume One: Final Evaluation of 46th Circuit Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter III.

APPENDIX B.

FINAL EVALUATION SUMMARY INFORMATION FOR BARRY COUNTY DEMONSTRATION PROJECT

APPENDIX B. FINAL EVALUATION SUMMARY INFORMATION FOR BARRY COUNTY DEMONSTRATION PROJECT

Located in the southwest area of Michigan between Grand Rapids and Battle Creek, Barry County is one of the middle-sized counties serving as a demonstration site.⁴³ Table B-1 below summarizes findings for Barry County under core evaluation criteria. Tables B-2, B-3 and B-4 summarize results from focus group meetings facilitated by NCSC evaluators in March 1998. Table B-5 summarizes findings under special evaluation criteria.

⁴³ For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume Two: Final Evaluation of Barry County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998).

TABLE B-1.
SUMMARY OF FINDINGS FOR BARRY COUNTY
UNDER CORE EVALUATION CRITERIA*

Core Criterion	Summary of Final Evaluation Findings
1. How does consolidation affect the use of judicial and quasi judicial resources?	Judges are organized into circuit, district and family divisions, with certain emergency matters (such as PPOs) shared among all divisions. Since 1995, judges have agreed to aid with each other's dockets, and there has been a sharp reduction in the need for assignment of out-of-county judges. Especially since the two-year conflict period for the new circuit judge passed in 1997, workload appears to be better balanced among the three judges. Judges find that certain elements of judging, such as management of courtroom proceedings and application of rules of evidence, are common for all judicial work. A judge with relevant experience more easily handles certain kinds of cases, such as landlord-tenant matters and more complex civil, criminal or family matters. Because of the relation among the judges, and in order to promote commitment, the judges have agreed that all decisions for the project are to be made by consensus among the members of the Judicial Council (judges <i>and</i> administrators). While cross training and cross assignment of referees and magistrates has not been rejected, it had not yet happened by March 1998.
2. What is the effect of having a family division as part of each demonstration project?	The circuit judge hears divorces without minor children, paternity, and FOC cases, while the family judge hears all custody cases. Divorce cases with minor children are now split evenly between the family and circuit judges. The family judge's probate court experience has made him sensitive in divorce cases to the interests of children and effective with equitable distribution issues. About two-thirds of all divorce cases are resolved by FOC conciliation, and the family judge refers all custody, visitation and support issues in divorce cases to the FOC conciliation service. Divorce cases with minors appear to be handled more expeditiously under the demonstration project. With support from his colleagues, the family judge has sought to develop regional and local service programs to meet the needs of children while avoiding more costly placements.
3. How does consolidation affect the cost-effective-ness of court operations (e.g., by reducing administrative and service duplications)?	The three judges have agreed to engage in active management of their case inventory and the pace of litigation. Creating what some call a "Rocket Docket," they have current dockets with most cases resolved short of trial. Times to disposition for circuit, district and family cases were generally better at the end of 1997 for almost all categories of cases than they were at the end of 1995. Allocation of court support staff among the three divisions may not be keeping up with shifting workloads, and centralization of support staff in one location has been hindered by facilities considerations. Consolidation of jury management under the demonstration project has resulted in a single jury pool for the Trial Court. Moreover, the court's caseload management effectiveness has so improved the timing of negotiated dispositions that it has been possible to reduce juror fees dramatically. Development of a consolidated contract for lump-sum payment of attorneys for provision of indigent representation has resulted in an estimated saving of \$50,000 per year.

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume Two: Final Evaluation of Barry County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter II.

TABLE B-1 (continued).
SUMMARY OF FINDINGS FOR BARRY COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
4. How does consolidation affect key stakeholders' perceptions of court operations?	Stakeholders' positive perceptions of the demonstration project in 1996 were much more numerous than their negative perceptions, and their perceptions had become even more positive by 1998. There was general agreement that the project has expedited case processing; that the criminal "pre-exam" conference program achieves early dispositions in many felony cases; that the cooperation among the judges and with county and other officials has been an important factor; that Judicial Council meetings have been an effective mechanism for communication; and that the project has probably helped reduced costs in several areas. Common negative perceptions include difficulties for people and files to move between buildings; difficulties of assuring workload balance among the judges through scheduling coordination; and staff concerns about day-to-day details of consolidation. Judges, county officials, state agency officials and law enforcement officials were most positive about the project among those interviewed. Court personnel and attorneys appeared most concerned about transitional issues in the implementation of the project. (See Tables B-2, B-3 and B-4 for highlights of positive and negative perceptions by members of each focus group.)
5. Does consolidation promote improved coordination with court-related agencies?	The county clerk is a strong supporter of the project. She is also a strong proponent of moving the circuit division into the same building as the family and district divisions, with a single office for all clerical staff and one room for all file storage. The county sheriff's office has had reduced prisoner transport costs because of video arraignments initiated under the demonstration project. But court demands for security have increased, and the sheriff has urged the court to hire a part-time bailiff who can be deputized by the sheriff to provide court security. More active court management of criminal cases has shifted the focus of the prosecutor's office to earlier stages of felony proceedings. Speedier case processing has not impaired prosecutor trial preparation because the number of trials has been dramatically reduced. Adult probation officers of the state Department of Corrections have been responsive to the circuit judge's call for more prompt completion of presentence investigation reports and for more aggressive monitoring of probation wage assignments, in part because of having additional staff since 1992.
6. What effect do "obstacles to change" and "change enhancers" have on consolidation?	There were "obstacles to change" that the project participants had to face. Having cases shift among separate court buildings has been a source of some confusion for citizens and attorneys, but the development of computer links and closer working relations among division support staff have enhanced their ability to give assistance to those seeking directions. Court support personnel in different divisions have had to overcome unfamiliarity with one another, in part with the aid of retreats and all-court meetings, and in part through participation in working groups called by the Judicial Management Council to address issues in the demonstration project. Salary differences among some staff members doing similar work were addressed in a job classification study that was to be completed in the first half of 1998. Offsetting obstacles were a series of "change enhancers." Principal among these were (a) the cooperative attitude among the judges; (b) continuing support from county officials; and (c) the active commitment of court administrators and court support staff. The positive effects of these factors were amplified through the assistance of an outside facilitator from the University of Michigan.

TABLE B-1 (continued).
SUMMARY OF FINDINGS FOR BARRY COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
7. Does consolidation result in improved use of court information systems or other technology, and is that linked to enhanced court efficiency?	Under the demonstration project, court officials linked all three divisions on the same computer file server, allowing them to share information from their common database. This allows improved scheduling coordination among the divisions, improved service to citizens by being able to identify where proceedings on any docket are being held, and easier communication among judges and court staff. Video arraignments for criminal cases started in January 1998. The use of video for arraignments helps reduce sheriff's office staff time transporting prisoners and reduces security risks in courthouses. Planning is still underway for the introduction of computerized traffic tickets and warrant requests, as well as the development of automation links between the court and other court-related organizations.
8. What effect does consolidation have on court budgeting?	As a result of the demonstration project, the different units of the Trial Court submitted a consolidated budget request in the closing months of 1996. The budget request showed that total court cost increases in recent years had been less than increases in new filings and dispositions, and that cost increases had been dramatically less than court revenue increases. While 1997 budget proposals remained distinct for each division, the Friend of the Court and the Child Care Fund, the Trial Court presented them all together to county funding authorities with a single budget narrative. There was further such budget coordination for 1998.

**TABLE B-2. MARCH 1998 PERSPECTIVES OF INTERNAL
STAKEHOLDERS ABOUT COURT OPERATIONS AND
DEMONSTRATION PROJECT IN BARRY COUNTY* (N=12)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
1. What comes to mind when you hear the term unified or consolidated court?	<ul style="list-style-type: none"> • Our court system • More familiarity • Easier for the public to deal with • Sharing of powers between 3 judges • Communication between 3 judges • Working together • Cooperation • We're all one – we work together instead of against one another • Coming together • Common goals • More cooperation between different branches of government 	<ul style="list-style-type: none"> • None
2. What is the effect of having a family division as part of the court?	<ul style="list-style-type: none"> • Dealing with one judge cuts down on games 	<ul style="list-style-type: none"> • Yet to see an effect • Have more to do now, now scheduling more cases • Still source of confusion for public, not sure which judge
3. Have court operations been streamlined and made more efficient since the consolidation?	<ul style="list-style-type: none"> • Circuit court judge comes to district court and cases plead out • Haven't had a jury trial this year • Attorneys call it the rocket docket • Better understanding between Circuit court and FOC 	<ul style="list-style-type: none"> • Slowed things down, more difficult to schedule emergency prelims because courtrooms are full
4. Has court consolidation improved communication and coordination with court-related agencies?	<ul style="list-style-type: none"> • Judicial Council had involved other agencies; asks opinion of prosecutor • Things have changed, people seem more willing to work together • Whole job is dealing with other agencies • Juvenile court more respected, Other judges are seeing the innovative programs of juvenile court • There is more consistency because of Judicial Council 	<ul style="list-style-type: none"> • No change in communication with sheriffs • Still some communication problems (Prosecutor wanting to add on to computer system at late date, Sheriff doesn't want to do paperwork) • Not much difference
5. Have the changes under the consolidation project had an overall positive or negative effect on the quality of service to citizens by court staff members?	<ul style="list-style-type: none"> • Positive, but room to grow • Positive, but the public doesn't know it yet • Positive because not sent away and told to come back when a judge is available • Have gotten to know one another and can direct people better • Has made staff take the extra step • No more backlog 	<ul style="list-style-type: none"> • Hasn't changed • In some ways worse because divorces can be in two places, but at least staff know each other better and can direct people better

* Source: March 1998 focus group conducted by NCSC evaluators.
National Center for State Courts

**TABLE B-2 (continued). MARCH 1998 PERSPECTIVES OF INTERNAL
STAKEHOLDERS ABOUT COURT OPERATIONS AND
DEMONSTRATION PROJECT IN BARRY COUNTY (N=12)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
6. Has court consolidation had a positive or negative impact on the cost of operating the courts?	<ul style="list-style-type: none"> • Because of firm trial dates, less juror expense • Court now has court appointed attorney list, has more control over courts 	<ul style="list-style-type: none"> • None
7. Have the changes under the consolidation project had an overall positive or negative effect on the quality of service to citizens by court staff members?	<ul style="list-style-type: none"> • Positive, but room to grow • Positive, but the public doesn't know it yet • Positive because not sent away and told to come back when a judge is available • Have gotten to know one another and can direct people better • Has made staff take the extra step • No more backlog 	<ul style="list-style-type: none"> • Hasn't changed • In some ways worse because divorces can be in two places, but at least staff know each other better and can direct people better
8. Has court consolidation had a positive or negative impact on the cost of operating the courts?	<ul style="list-style-type: none"> • Because of firm trial dates, less juror expense • Court now has court appointed attorney list, has more control over courts 	<ul style="list-style-type: none"> • None
9. Have the changes under the consolidation project had an overall positive or negative effect on the quality of service to citizens by court staff members?	<ul style="list-style-type: none"> • Positive, but room to grow • Positive, but the public doesn't know it yet • Positive because not sent away and told to come back when a judge is available • Have gotten to know one another and can direct people better • Has made staff take the extra step • No more backlog 	<ul style="list-style-type: none"> • Hasn't changed • In some ways worse because divorces can be in two places, but at least staff know each other better and can direct people better
10. Has court consolidation had a positive or negative impact on the cost of operating the courts?	<ul style="list-style-type: none"> • Because of firm trial dates, less juror expense • Court now has court appointed attorney list, has more control over courts 	<ul style="list-style-type: none"> • None
11. Has court consolidation reduced duplication of services by different court staff members?	<ul style="list-style-type: none"> • One judge/one family has one jury 	<ul style="list-style-type: none"> • Still see a lot of duplication in social service reports • Need to get the computer system up and running to help cut down on duplication
12. How did the court facilities affect the operation of the consolidation effort?	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Can't have central collection or central filing in three different buildings

**TABLE B-2 (continued). MARCH 1998 PERSPECTIVES OF INTERNAL
STAKEHOLDERS ABOUT COURT OPERATIONS AND
DEMONSTRATION PROJECT IN BARRY COUNTY (N=12)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
13. How, if at all, did the temporary nature of the demonstration project affect your willingness to participate?	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Some thought when the money ran out, we'd go back to where we were • At first, no feedback from council on the work groups
14. Have the changes under the trial court consolidation project had an overall positive or negative affect on how you feel about your work in the court system?	<ul style="list-style-type: none"> • Wasn't for it in the beginning, seemed selfish on the part of the judges, only for their benefit, now give it a chance • Feel more appreciated • Positive 	<ul style="list-style-type: none"> • Three recorders get different pay • More work • FOC not endeared with it

**TABLE B-3. MARCH 1998 PERSPECTIVES OF REGULAR INSTITUTIONAL PARTICIPANT
FOCUS GROUP ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN
BARRY COUNTY* (N=4)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
1. What comes to mind when you hear the term unified or consolidated court?	<ul style="list-style-type: none"> • Importance of all 3 judges working together well, all supporting staff have good attitudes • Makes sense to pool resources • All three judges get along and were committed to making it work • Barry County is ideal size for this 	<ul style="list-style-type: none"> • None
2. What are the benefits of working within a unified/consolidated court?	<ul style="list-style-type: none"> • Transport time is cut down; better to move prisoners fewer times • Created more flexibility, don't have to wait for a judge • Everyone is working together • Very beneficial for community 	<ul style="list-style-type: none"> • FIA staff know they could have a different judge, wonder if the judge knows the ins and outs of the case • Some orders have been lost for 2 or 3 days
3. Has the consolidation resulted in more efficient use of time for judges and referees?	<ul style="list-style-type: none"> • More expedited now • No more backlog • Judges are more efficient, allows security to be more efficient • Time is used wisely • More people went to trial in the past, don't know if it's judge style or unification 	<ul style="list-style-type: none"> • Judge Shaw on the bench more, more difficult to get time with him • Sometimes attorneys feel rushed • Strain on courtroom coverage
4. What is the effect of having a family division as part of the court?	<ul style="list-style-type: none"> • It makes more sense • Secondary effect is that judges get more broad experience, helps the judge be a better judge • Judges learn funding stream and know what impact their decisions will have on the child care fund 	<ul style="list-style-type: none"> • Biggest argument you hear is you don't know what judge you're going to get • Increased activity, otherwise not much effect
5. Have court operations been streamlined and made more efficient since the consolidation?	<ul style="list-style-type: none"> • One of the main points, save time by taking pleas in circuit court • Rocket docket forces attorneys to be more efficient • Yes, but state has given money, office is close to total employment, you can move at a faster rate if you have resources • Same staff as 5 years ago 	<ul style="list-style-type: none"> • May be too fast for client, people have to feel that their concerns are heard, especially in family
6. Has court consolidation improved communication and coordination with court-related agencies?	<ul style="list-style-type: none"> • Good communication because of Judicial Council • Judges have made a lot of effort to communicate • Always felt they should be more communication, now it's happening 	<ul style="list-style-type: none"> • None
7. How did the court facilities affect the operation of the court consolidation effort?	<ul style="list-style-type: none"> • It's only a minute walk to walk across the street • Optimally it should be one building, but all court agencies in 5 minute walk 	<ul style="list-style-type: none"> • Prior to unification security issues were a nightmare and unification has not corrected it

* Source: March 1998 focus group conducted by NCSC evaluators.

TABLE B-3 (continued). MARCH 1998 PERSPECTIVES OF REGULAR INSTITUTIONAL PARTICIPANT FOCUS GROUP ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN BARRY COUNTY (N=4)

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
8. Has court consolidation led to improved or worsened services to regular participants, such as you and the public at large?	<ul style="list-style-type: none"> • Very user friendly system 	<ul style="list-style-type: none"> • Maybe more signage and information for general public
9. Have the changes under the trial court consolidation project had an overall positive or negative effect on the quality of justice in the court process?	<ul style="list-style-type: none"> • People complain less about proceedings being continued 	<ul style="list-style-type: none"> • Speed is not the same as success, need to take more time
10. Are there further changes that should be made (such as with court facilities) in order to improve court operations?	<ul style="list-style-type: none"> • Can always fine tune 	<ul style="list-style-type: none"> • Now is not the time for any further changes • More changes are already coming from the state level (constitutional changes re: probate judges)
11. If the “change process” associated with the implementation of the consolidation were to start today, how might it be done differently for you to do your job well?	<ul style="list-style-type: none"> • Hasn’t been a rocky road, wouldn’t change much 	<ul style="list-style-type: none"> • None

**TABLE B-4. MARCH 1998 PERSPECTIVES OF INFORMED CITIZEN
FOCUS GROUP ABOUT COURT OPERATIONS AND
DEMONSTRATION PROJECT IN BARRY COUNTY* (N=1)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
1. What comes to mind when you hear the term unified or consolidated court?	<ul style="list-style-type: none"> Unified meant we'd be getting judges from out of the county less often and that our judges would switch around 	<ul style="list-style-type: none"> None
2. Have the changes under the consolidation project had an overall positive or negative effect on the quality of justice in the court process?	<ul style="list-style-type: none"> Positive, judges are working together, not their own little domain 	<ul style="list-style-type: none"> None
3. Have the changes under the consolidation project had an overall positive or negative effect on the quality of service to citizens by court staff members outside the courtroom?	<ul style="list-style-type: none"> Circuit court staff have improved District court clerk and recorder are very helpful 	<ul style="list-style-type: none"> Room for improvement, they're busy
4. How has the consolidation affected your perceptions of the courts?	<ul style="list-style-type: none"> Things are moving little smoother Think it is better now Have made it easier for hard of hearing people to hear 	<ul style="list-style-type: none"> None
5. Has court consolidation improved access to the courts?	<ul style="list-style-type: none"> Yes, have updated so much, physically have done the best they can do 	<ul style="list-style-type: none"> None
6. Based upon your experiences, has court consolidation had any effect on the time it takes the court to decide a case?	<ul style="list-style-type: none"> Doing well with regard to communication 	<ul style="list-style-type: none"> Sometimes I think it goes too quickly; one victim was bitter because defendant pled to a lesser charge Surprised with sentencing on same day
7. How would you rate the success of the court consolidation project	<ul style="list-style-type: none"> Yes, it should continue -- very successful 	<ul style="list-style-type: none"> None

* Source: March 1998 focus group conducted by NCSC evaluators.

TABLE B-5.
SUMMARY OF FINAL EVALUATION FINDINGS
UNDER SPECIAL CRITERIA FOR BARRY COUNTY*

Special Criterion	Summary of Findings
2A. What are the results of having each division of the consolidated court served by various local diversionary and service programs?	Court leaders initially hoped to make each division of court eligible for such programs to the extent that shared participation were possible under the requirements of their funding sources. They also anticipated the development of a Human Service Center, to coordinate access to programs, including those of the Barry County Community Resource Network. A Human Service Center has not yet been created, however, and the project appears to have stalled in 1998. Planning efforts to construct a building for the center encountered difficulties over whether participating agencies would pay rent for the space they would occupy.
2B. What are the results of efforts to address facilities planning issues and issues of records maintenance, security and storage arising from having two separate buildings for the consolidated court?	The Judicial Council had many forms unified between December 1995 and January 1997. By spring 1998, the Trial Court had not yet developed a policy on maintaining the integrity of court records as they are carried between the two buildings. Because the court system is small, however, staff members have been able to avoid any problems. Computer enhancement is a further step that has helped to alleviate problems. In particular, the development of links among the computer systems of the different divisions has enhanced the capacity of judges and court personnel to make cross-inquiries of case information in each division. This has reduced the need for case files to be moved from one building to another. Court and county leaders have continued their discussion of prospects for moving the circuit division from the county courthouse to the Law and Courts Building. In April 1998, the chief judge asked the county for a space study. The members of court staff working groups appear not to be enthusiastic about such a development, however.
2C. What are the results of having a collections division to evaluate parties' ability to pay for counsel or services and to enforce and collect moneys due to the consolidated court?	The members of a court committee concluded in a brief October 1996 report to the Judicial Council that a separate collections unit would not at that time be feasible, without attention to issues of (a) staffing levels; (b) budget limitations; (c) space availability; and (d) separation of the financial duties contemplated for members of the new unit from the nonfinancial duties also now performed by court staff who perform the financial functions in the separate court divisions. Several people told the evaluators in 1998 that a combined collections division had not occurred for several reasons. They are: (a) lack of space, (b) no decision as to who would be included, such as FOC, (c) waiting to see if all court functions are moved to one location, and (d) awaiting the outcome of a personnel classification study to be completed later in 1998.

* For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume Two: Final Evaluation of Barry County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter III.

APPENDIX C.

FINAL EVALUATION SUMMARY INFORMATION FOR BERRIEN COUNTY DEMONSTRATION PROJECT

APPENDIX C.

FINAL EVALUATION SUMMARY INFORMATION FOR BERRIEN COUNTY DEMONSTRATION PROJECT

In the southwest corner of Michigan, Berrien County is the second most populous of the jurisdictions participating as a demonstration site. The most difficult element in the evaluation of the Berrien County demonstration project is to separate out those positive and negative outcomes associated with consolidation as opposed to pre-consolidation court improvements. The demonstration project did not operate in a vacuum and was co-mingled with other factors that cannot be ignored.⁴⁴

Table C-1 below summarizes findings for Berrien County under core evaluation criteria. Table C-2 summarizes results from focus group meetings facilitated by NCSC evaluators in May 1998. Table C-3 summarizes findings under special evaluation criteria.

⁴⁴ For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume Three: Final Evaluation of Berrien County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998).

TABLE C-1.
SUMMARY OF FINDINGS FOR BERRIEN COUNTY
UNDER CORE EVALUATION CRITERIA*

Core Criterion	Summary of Final Evaluation Findings
1. How does consolidation affect the use of judicial and quasi judicial resources?	Judges are organized into a chief judge division; civil, criminal and family divisions in St. Joseph; and a Niles division. Internal cross assignment of judges sharply reduced the days served in the county by out-of county judges. Most observers consider flexible judge assignments to be a positive feature. Having fewer than the authorized number of judges created problems (although judges helped especially with cases in the criminal division) until the court returned to having a full complement of judges. There is a perception that cross assignment results in having more circuit matters heard by district and probate judges, with little assistance from circuit judges in the other direction. Having a judge hear a case outside their immediate experience is a comfort issue, and there is in fact more specialization now than before consolidation. Particularly for such areas as complex civil litigation, juvenile placements, landlord/tenant, and certain probate estate matters, special experience is necessary more so than for routine criminal and civil cases. The Judicial Management Council makes most decisions for the court, with the chief judge deciding matters in the absence of consensus. While both juvenile and FOC referees are now in the family division, the court has not yet introduced cross training or cross assignment. An experiment in 1998 with having an attorney/magistrate manage the FOC docket in Niles was terminated because of cost concerns and resource strains caused by another magistrate's retirement.
2. What is the effect of having a family division as part of each demonstration project?	Having one judge hear everything reduces court appearances, makes the process easier for both attorneys and families, and will expedite court decisions. The creation of the family division also permits broader access to services for families. In a domestic relations custody case where a family would benefit from services formerly available only to parties in probate proceedings, the creation of the family division would permit the services to be available to the family. The demonstration project provides that the family division would rely heavily on such alternative dispute resolution (ADR) techniques as family counseling, mediation, and arbitration of disputes. In the fall of 1997, an ADR program in family law cases was implemented, and a full-time mediation clerk was hired to schedule both "facilitative" mediation and "court rule" (case evaluation) mediation. Court leaders are considering a court-based mediation program, possibly through FOC, which would consider sliding scale fee payment based upon income and the use of pro bono mediators. The effect of ADR on family division case processing should be evaluated in the near future. In spite of the perceived benefits of the family division, some negative features have been reported. The creation of the family division, some believe, has created an additional layer of administration that slows the resolution of operational and policy decisions, which often require quick solutions given the nature of the cases. Several of those interviewed for the final evaluation indicated that the family division judges and staff are overloaded due to the high volume of PPO and divorce filings, and that the workload is not evenly distributed among the divisions. Finally, there are additional time-consuming matters that must be addressed by the family division judges, such as the supervision of FOC and the juvenile detention center.

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume Three: Final Evaluation of Berrien County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter II.

TABLE C-1 (continued).
SUMMARY OF FINDINGS FOR BERRIEN COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
<p>3. How does consolidation affect the cost-effectiveness of court operations (e.g., by reducing administrative and service duplications)?</p>	<p>Having internal cross assignment among local judges sharply reduced the county's cost for out-of-county judges. Improvements recommended by judge-lawyer-staff task forces were implemented in civil and criminal practices and procedures, in general operational practices for all divisions, and in the use of ADR. Pending inventories for civil, criminal and family matters were generally lower at the end of 1997 than at the beginning of the year, although the inventory of pending misdemeanors and civil traffic matters continued its upward trend since 1993 and exceeded both filings and dispositions in 1997. Beyond having data on cases pending longer than two years, the Trial Court did not have automated means to determine whether the age of its inventory was greater at the end of 1997 than at the end of 1995. The large majority of the pending former district court cases are matters not awaiting disposition by a judge or magistrate (i.e. civil infractions, misdemeanor traffic with unpaid costs and fines, or cases in bench warrant status). Figures for 1997 show that the average daily jail population in December 1997 had been reduced from the beyond-capacity levels it had reached in late 1995 and 1996, perhaps because of consolidation and expedited criminal case processing by the court. State probation agents from DOC have been redesignated as "felony probation agents" in the county, and their office has been located next to that of the "misdemeanor (formerly district court) probation officers" to aid coordination. When a defendant is on both felony and misdemeanor probation, he is assigned to felony probation agents. Misdemeanor probation officers handle all drunk-driving probationers, whether charged with felonies or misdemeanors. In the court's consolidated criminal division, there is only one set of criminal case numbers (with suffixes to distinguish misdemeanors from felonies) assigned (instead of separate district and circuit case numbers), and all files are maintained in a single location, except for Niles cases. In 1998, a single family division file room (combining "circuit" family matters with "probate" cases) was established, as well as a single civil file room (combining "district" and "circuit" civil cases). Jury management has been returned from court administration to the county clerk, who has received funds for an additional staff member for this purpose.</p>
<p>4. How does consolidation affect key stakeholders' perceptions of court operations?</p>	<p>Court leaders believe that consolidation and the division structure make sense and allow improved use of judicial resources, leading in turn to improved case processing. They consider merger of the individual file rooms to be a positive step in support of consolidation but realize uniform processes must still be developed. The creation of a family division is viewed as a very positive development enhancing efficiency, quality of judicial decisions and service to the public, although it has created some inequality in the distribution of workload. The limitations of existing court facilities and the impact of increasing caseloads due to increased criminal activity were recognized as problems that the Trial Court must face. The lack of adequate preparation and implementation time -- critical elements associated with any change process -- created serious problems with court staff commitment to the project. For court staff members, however, the negatives outweighed the positives. They were concerned about the emotional and other costs of trying to achieve such desirable goals too quickly. They expressed concerns about such matters as low morale, lack of adequate support staff, increased confusion for the public, inadequate cross-training, expedited case processing at the apparent expense of justice, and lack of sufficient communications from court leaders to staff members, court-related agencies, and the public. In spite of all the stated problems, however, no one suggested returning to the pre-consolidation structure. Perhaps this is in recognition that consolidation is well worth continuing, especially in light of the time and energy that have been spent bringing it about. (See Table C-2 for highlights of positive and negative perceptions by members of each focus group.)</p>

TABLE C-1 (continued).
SUMMARY OF FINDINGS FOR BERRIEN COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
5. Does consolidation promote improved coordination with court-related agencies?	<p>With the cooperation of the county clerk, there have been significant changes in streamlining daily clerical activities including singular criminal case assignment numbers, merger of the civil, criminal and family division file rooms and reallocation of jury functions. While the sheriff has been supportive of the demonstration project implementation effort, he has had concerns about transporting prisoners to and from the Niles court location, security problems associated with broader court activity at the south county location, and staff coordination problems from having to provide security for circuit court proceedings on the second floor. The staffing resources of the county prosecutor have been stretched by having to provide courtroom coverage for more criminal and domestic violence cases in St. Joseph and Niles. The ability of criminal division judges to accept pleas and sentence criminal defendants at the time of preliminary hearings has been a benefit to the prosecutor's office, however. In addition to permitting much earlier disposition of many such cases, it has reduced the number of court appearances that prosecutors and defense counsel must make. The chief DOC probation agent in the county has maintained a positive working relationship with the judges, and the leaders of the demonstration project have involved him in the activities of the court services task force. While state-level DOC officials have concern about a loss of autonomy that might come from such changes as those in the demonstration project, the local DOC agents in Berrien County have traditionally assumed that they work for the judges and the court system.</p>
6. What effect do "obstacles to change" and "change enhancers" have on consolidation?	<p>The project faced several "obstacles to change." A shortage of judges in the first year of project affected the court's ability to deal with its cases in a timely manner and forced more ad-hoc cross assignments among local judges. Another issue was court staff response to change. Court personnel needed more time and training than was available in the implementation of the project, and they became frustrated because they had to bear the day-to-day brunt of the changes that were being introduced. An obstacle to more flexible operations under the demonstration project is the fact that facilities available for court operations were designed for separate trial courts with a different level of work. The county is assisting the court regarding reallocation of space and how best to optimize the space given the consolidated court structure.</p> <p>The introduction of a new case information system for the court, concurrent with the changes brought about by demonstration project implementation, forced court personnel to learn the new computer system while they continued to carry out day-to-day work responsibilities. This has had a negative effect on court productivity. There are five unions for court employees in Berrien County: three for district court employees and one each for those serving circuit and probate courts. Union officials agreed not to oppose cross-assignment of employees, and the unions did not oppose changes in their physical work locations. In fact, the unions agreed to maintain the status quo during the demonstration project and have agreed to annual contracts rather than more long-term agreements. There is insufficient security for proceedings under the demonstration project. In spite of union issues, bailiffs have been cross-assigned to meet shifting security demands. Each day, there is a priority-setting exercise to determine where the need for security is greatest. In order to maximize courthouse security, several entrances were closed and locked permanently.</p>

TABLE C-1 (continued).
SUMMARY OF FINDINGS FOR BERRIEN COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	5.Summary of Final Evaluation Findings
	<p>While most of the judges are clearly invested in the project, one judge has had reservations. These have been manifested in different ways, each of which has had to be addressed in the implementation of the demonstration project. Most of those interviewed for the final evaluation, however, report the positive relation among the members of the bench and support of each other, even if not in favor of the consolidation effort. Finally, statutory limitations on referees and magistrates have served to restrain experimentation under the project with broader use of referees or magistrates.</p> <p>To offset the possible problems presented by such obstacles as those above, the demonstration project has several positive features that will tend to promote the chance of its success. Those features include the Berrien County tradition of progress and court improvement, as well as the computer integration efforts in the county. Also, a progressive and cooperative attitude among most of the judges has served the project well. In addition, the success of court improvement efforts in Berrien County has been made possible in significant part by the willingness of court staff members to perform the myriad day-to-day tasks necessary for the operation of a trial court. Throughout the design and implementation of the project, the court has benefitted from positive relations with county government leaders. Finally, the attorneys in the county have given strong support to court efforts over the years, including their participation in planning for the implementation of the demonstration project. Attorneys were members of the demonstration project task forces, helping with the development of scheduling, forms and procedures.</p>
<p>7. Does consolidation result in improved use of court information systems or other technology, and is that linked to enhanced court efficiency?</p>	<p>The court's integrated information management system ("JUSTIS") was reengineered between 1994 and 1997. The expansion of system capacities provides (a) enhanced on-line capacities, including real-time data entry in the courtroom as events occur; (b) a relational database to provide improved flexibility and adaptability; (c) a system of data entry and retrieval compatible with the needs of all three divisions as well as outside agencies; and (d) linkage to the county mainframe with such technology as live-scan fingerprinting, imaging and a fiscal management component. Video technology employed in the courthouse in St. Joseph before the commencement of the demonstration project included systems to make the record of trial court proceedings and to carry out preliminary arraignments of jailed defendants. The Trial Court has begun to use its closed-circuit video arraignment equipment to arraign defendants on probation violations -- especially for defendants whose violation involves the commitment of a new offense. On the use of video arraignment technology at the Niles location, court and county officials believe that cable costs would have to go down before video arraignments there would be cost-effective.</p>
<p>8. What effect does consolidation have on court budgeting?</p>	<p>The 1997 court budget was much like that for 1996. There has not yet been any change in court budgeting practices under the demonstration project, in that many of the benefits that would accompany such a change have already been realized through earlier pre-consolidation steps to coordinate budget planning and presentation. The creation of the Judicial Council in the early 1990s permitted the pre-consolidation courts to present a unified voice in all communications with other organizations, including coordination of all court budget requests for presentation to the county commissioners.</p>

TABLE C-2. PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN BERRIEN COUNTY*

Stakeholder Category	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Internal Stakeholders (8 focus group members)	<ul style="list-style-type: none"> • Like the concept and theory behind consolidation • Increased user friendliness to court • Consolidation has enable court staff employees to meet each other • Improved internal staff communication • Judges spending more time on the bench • Increase in case processing in family cases with additional judges • A family division has made it easier for internal staff referrals • Cases go to trial much faster in criminal and civil divisions 	<ul style="list-style-type: none"> • Concern and anxiety over what final outcome will be • Consolidation has created additional work and responsibilities for court staff. Court staff is uncertain with roles • No internal benefits of consolidation • Work styles have not changed Efficiency is a function of the individual judge not consolidation • Unequal distribution of workload. Gives some judges ability to dump cases to others • Insufficient personnel resources to meet demands • File control is a problem. File security is worse than it has ever been. Papers and files are lost. Too many people have access to files • Increased staff absenteeism and turnover due to increased stress levels • Increased overtime expenditures to keep up with caseload demands • Courtroom assignment is a problem • Task force recommended information desk which was never implemented • Scheduling and double booking is a problem • Unrealistic expectations of project • Ineffective communication from top to line staff • As a result of consolidation, no longer likes job • Politics associated with consolidation have increased stress without added appreciation: attitude is now that you are lucky to have a job • Lack of adequate court facilities • Why are we pretending that we are unified • Morale and loyalty are gone • Unify personnel pay and job classifications • Do not give the judges a raise and not court staff • Change facilitation retreat should have happened sooner. By the time it was set, it was too late • Too far into project to terminate • Need to get rid of personal agendas • Average rating: C minus

* Source: May 1998 focus groups facilitated by NCSC evaluators.

TABLE C-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN BERRIEN COUNTY

Stakeholder Category	Highlights of Positive Perceptions	Highlights of Negative Perceptions
<p align="center">Institutional Participants (9 focus group members)</p>	<ul style="list-style-type: none"> • Consolidation is an excellent concept • One stop shopping • No more splits. Things are being handled by all judges • Unified courts have adopted ADR methods • Child protection cases now heard by three judges. Cases getting on calendar faster • Unification has resulted in some specialization by judges • Niles operation is very efficient for law enforcement • Fast track for domestic violence cases • Criminal cases processed much faster • Genuine attempt to reach out and communicate plan • Court leaders made presentation to Police Service Council 	<ul style="list-style-type: none"> • No benefits to victims • Little difference to civil cases • Prosecutors are not filing as many criminal cases due to judicial pressure. Judges putting more pressure on prosecutors to plea out cases • Do not see the one judge/one family concept in practice-very limited basis • Not a lot of unification in the domestic process. Operationally, it has broken down. The problem is most judges do not want to do domestic violence • Court leaders did not communicate to public effectively • What was communicated by court officials was not what resulted • Project suffered when Judge Taylor left as a power struggle surfaced as to who would rise to the top • Productivity decreased as staff was pulled away to pre-consolidation meetings and ideas were never implemented • A lot of wasted wait time to appear before the court • Law enforcement transportation problems have increased • Service to the public is worse due to confusion • Court staff use consolidation as an excuse for everything. Staff is taking advantage of the situation for poor performance • Delay for court orders in abuse and neglect proceedings • No strong leadership roles • Increase in court staff grievances • Spread out county clerk staff • People unsure of boundaries • System is more cumbersome but no hard feelings with court personnel • Promises offered in consolidation as far as permanency for children not realized • So many changes cannot attribute the improvement in case processing to consolidation • Need more support from SCAO or outside consultants • System needs direction not judicial accommodation

TABLE C-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN BERRIEN COUNTY

Stakeholder Category	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Informed Citizens (4 focus group members)	<ul style="list-style-type: none"> • Court is separated along lines which make sense to the public • Knowing which judge is going to hear case • Improved communication for public and people within the system • Same judge gets file increases the likelihood of consistent rulings • Judges in family court are there because they want to be • Family court cases now have equal standing. Prior to consolidation at the bottom of the totem pole • Commitment to adopt ADR has lead to a greater understanding of ADR methods and increased judicial support. Also has resulted in decreased costs to litigants • Net improvement in service to the public • Pro se litigants being treated better • Increased specialization leading to improved quality of decisions • Increased accountability to SCAO • Overall a good concept. A lot of good direction taken which hopefully will remain in place • By and large met intended effect • Would not want to go back to old system • Overall rating: B 	<ul style="list-style-type: none"> • If going to increase judges salaries, also need to increase line staff salaries • Need independent analysis whether court system is overworked or just perception • Continue consolidation and move forward • Average rating: 4.0 of 10 • New names, new duties, however same people • What has played out is different from expectations • Have waited up to two hours for time certain hearings • Only one entrance to courthouse • Quality of justice is the same because still the same judges. Judge determines tenor of the system and dynamics • The decision to participate was based on state commitment of funds rather than commitment to concept. Let's see what we can do with minimal change • Mistakes made early in the process. Line staff were not brought in on change process and sacrificed. • No buy in from court staff which created problems • Task force recommendations not followed and are just now being considered • System is not the key to case processing times but rather the personal style of the judges • Law library no longer available to pro se public • Some problems , too many layers, with getting to a judge with the increased use of referees and pre trial hearings • Niles is the step child and is not well integrated

TABLE C-3.
SUMMARY OF FINAL EVALUATION FINDINGS
UNDER SPECIAL CRITERIA FOR BERRIEN COUNTY*

Special Criterion	•Summary of Findings
3A. What are the results of the court's continuation of its earlier reengineering efforts and participation as a 21st Century Commission pilot site?	The progress made as a result of all the pre-consolidation court improvements in Berrien County may have created a problem in terms of the amount of improvement that can be attributed to the operation of the court consolidation demonstration project. In many of the other demonstration projects, the most significant changes involve the very same improvements that Berrien County courts had introduced <i>before</i> the design and implementation of the current project. As a result, the demonstration courts that had not taken such progressive steps earlier are in a position to show much more dramatic improvements in their court performance than may be possible in Berrien County.
3B. How successful was the consolidated court in providing a full range of court operations at its "south county" satellite location in Niles?	A decision on the level of circuit work appropriate for the judge in Niles was made in 1997. With assistance from referees/magistrates and a rotating civil and family court judge from St. Joseph, the Niles judge handles all matters filed in the Niles location. Because of time constraints and location, the Niles judge does not participate in the arraignment rotation in St. Joseph. As a result of demanding caseload, the Niles judge spends much of his day on the bench. Family division matters are also being heard in Niles under the demonstration project. On a rotating basis, a judge of the family division hears divorce cases in Niles one or two days each week. A facilities study is currently being done for the county, and it includes consideration of the prospect of adding a full jury courtroom in Niles. Making the record of proceedings in the Niles location is another issue. When two court recorder/reporter people are needed in Niles, the family division judge must either bring a recorder with him from St. Joseph or use a backup recorder from Niles. The county prosecutor's office has a permanent prosecutor stationed in Niles. The fact that more criminal cases are being heard at Niles has meant more frequent travel for victim/ witness advocates, and the increased travel to and from Niles has put a particular added burden on the victim/witness advocates. Prisoner transport costs and security concerns for the sheriff's department would be reduced through the use of video arraignments at the Niles location, but cost considerations are currently seen as a barrier to such a development.
3C. What is the outcome of the consolidated court's expansion of its "Tri-Court Services Unit" to serve as a "Court Services Unit," with further consolidation of cashiering services and greater coordination of human services?	This unit (created under the 21st Century pilot project) has performed pretrial release interviews, assessment and monitoring; cashiering; collection of some monetary obligations for all three courts; and enforcement of court-appointed attorney reimbursement and bond forfeiture judgments. Under the demonstration project, early attention was given to the pooling of bailiffs, so that they might be assigned to courtrooms as needed, and the pooling of law clerks to perform legal research for all the judges of the Trial Court. A funding cutback in 1996 had an effect on the scope of activities regarding offender information that could be performed by the pretrial services unit. The greatest expansion made within the unit has probably been in the central cashiering function. As a result of increased collection duties, the unit is now staffed by six employees, including an accounting manager and five accounting technicians; and facilities were modified to upgrade service to the public. The cashiering office accepts payments for traffic tickets, criminal fines, criminal restitution, contempt fines and attorney costs. The office also processes bonds and accepts walk-in child support payments. This has probably resulted in increased collections and improved efficiency.

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume Three: Final Evaluation of Berrien County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter III.

APPENDIX D.

FINAL EVALUATION SUMMARY INFORMATION FOR ISABELLA COUNTY DEMONSTRATION PROJECT

APPENDIX D.

FINAL EVALUATION SUMMARY INFORMATION FOR ISABELLA COUNTY DEMONSTRATION PROJECT

Located near the center of Michigan's lower peninsula, Isabella County is one of the middle-sized counties among the six demonstration sites.⁴⁵ Table D-1 below summarizes findings for Isabella County under core evaluation criteria. Table D-2 summarizes results from focus group meetings facilitated by NCSC evaluators in April 1998. Table D-3 summarizes findings under special evaluation criteria.

⁴⁵ For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume Four: Final Evaluation of Isabella County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998).

**TABLE D-1.
SUMMARY OF FINDINGS FOR ISABELLA COUNTY
UNDER CORE EVALUATION CRITERIA ***

Core Criterion	Summary of Final Evaluation Findings
1. How does consolidation affect the use of judicial and quasi judicial resources?	While the court is formally organized into family, civil, criminal and appellate divisions, the judges share work in each division: one judge concentrates on civil and criminal trials; the second on issues involving children and families; and the third on high-volume short-duration matters. The judges help one another each day on an ad-hoc basis. This combination of concentration plus ad-hoc mutual assistance balances flexibility and specialization. The use of out-of-county judges in the county was sharply lower in 1997 than in 1995. After a period of experience with project implementation, the three judges agreed to meet weekly to make decisions together, and the court's Judicial Council has become a forum to introduce issues and disseminate information. All quasi judicial officers in the court are non-attorneys. The court has appointed the FOC referee and the juvenile referee as backup magistrates. The FOC and juvenile referees coordinated their efforts to make better use of space resources. Anecdotal reports are that the magistrate and referee workload has increased significantly under the demonstration project.
2. What is the effect of having a family division as part of each demonstration project?	Having all family matters with children come before one judge is seen as a means to avoid jurisdictional overlap and conflicting court orders. Moreover, the judge knows the family history, the dynamics of the parent/child interplay, and the available community service/intervention options, resulting in more effective judicial decisions. Most of the court process participants are supportive of the concept and believe that the family division provides greater service to the public. Although highly complimentary of the judge's ability, compassion and knowledge, some of those interviewed reported that a drawback of the current family division operation is that the judge is extremely busy and over booked. One of the problems that the leaders of the demonstration project had to address was the impact of having a greater concentration of people in crisis for court support staff to deal with each day. To provide more of a "service center" approach to provide comprehensive services to litigants in actions affecting families, the Trial Court created a "Family Court Specialist" position. The person in the new position is to be a combination of FOC caseworker and juvenile probation officer. Court personnel in the family division feel overburdened because they perceive that staffing levels are inadequate for family court services as caseloads continue to rise. Court personnel also assert that the family division would operate more efficiently if there were more complete integration of computer information systems among the family court support services. There are issues of confidentiality and finances, however, that continue to impede the integration process.

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume Four: Final Evaluation of Isabella County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter II.

TABLE D-1 (continued).
SUMMARY OF FINDINGS FOR ISABELLA COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
<p>3. How does consolidation affect the cost-effectiveness of court operations (e.g., by reducing administrative and service duplications)?</p>	<p>Local cross assignment of judges has sharply reduced costs for having out-of-county judges assigned to the court. Circuit-level cases pending at the end of 1997 were 10% lower than at the end of 1995, although times to disposition were generally longer. Estate matters remained about the same. Juvenile filings increased significantly from 1995 to 1997, but the court had better times to disposition in 1997. At the district level, there were fewer pending minor traffic matters at the end of 1997 than in 1995, but there were more pending felonies, misdemeanors and drunk-driving cases. The percentage of cases disposed within statewide guidelines was about the same in 1997 as in 1995, however. Centralization of court clerical staff in one location was accomplished in January 1997, resulting in easier public access; increased staff productivity through cross training and redistribution of workloads; and increased staff capacity to deal with workload increases. Staff members have been unhappy about centralization, however. Assignment of all judge scheduling to one assignment clerk has eased coordination of judge work and freed staff members for other work. Merger of court recorder and court clerk functions and cross training of court recorders and court reporters have increased efficiency and reduced costs.</p>
<p>4. How does consolidation affect key stakeholders' perceptions of court operations?</p>	<p>Court and county leaders are positive about the project. Centralization of the clerical staff of the court system was seen on the one hand as something that has helped efficiency and convenience for citizens, and on the other hand as a source of considerable transitional difficulty. The creation of a family division was viewed as a very positive development also enhancing efficiency and citizen convenience, although it would create a concentration of more unhappy people for staff members of the division to deal with each day. The limitations of existing court facilities and the impact of increasing caseloads due to tribal casino gambling and the Traffic Enforcement Team were recognized as problems that the project would have to face. Focus group participants had a less favorable view of the project. Members of the "internal stakeholders" focus group expressed the most negative feelings. This could be due in part to the fact that they were the most directly affected by the change in court processes of all the focus groups. While all the groups agreed that the theory behind consolidation is sound, the negative views they expressed outweighed the positive feelings. Everyone agreed that the central ideas of the demonstration project – such as centralized court administration, centralized budgeting, increased availability of judges, a family division dealing specifically with the issues facing children and families, expedited case processing times, and creating increased public access to courts -- are admirable. While these are concepts to which all courts should aspire, they asked what costs are worth bearing in order to achieve them. (See Table D-2 for highlights of positive and negative perceptions by members of each focus group.)</p>

TABLE D-1 (continued).
SUMMARY OF FINDINGS FOR ISABELLA COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
<p>5. Does consolidation promote improved coordination with court-related agencies?</p>	<p>The county clerk believes that the consolidation effort has created problems for attorneys and the public in that they do not know where to go to file documents, where to make payments, or what is the courtroom in which they must appear. She continues to have issues with the merger of circuit court reporter and courtroom clerk functions in one person, but the chief judge of the Trial Court provided grounds and authorization in statutes and case law for the court to take that action. Centralization of clerical personnel in one location also presented problems for the county clerk. The county clerk feels that it is not a good idea to file everything in one place. The prosecutor's office reports that in the last ten years the workload for his office has increased by 77% in felony cases, 150% in misdemeanor cases, 150% in juvenile cases and 150% in police reports. The prosecutor finds that the demonstration project allows more flexibility for the court: in effect, the project permits the availability of more judges, since it has reinforced their willingness to help with one another's workload. With a consolidated criminal division and one judge handling most pretrial matters in criminal cases, a guilty plea can be taken on the date set for preliminary examination. This reduces the number of court appearances that prosecutors must make in each case. Tribal casino gambling continues to put a strain on prosecution resources by increasing the number of police officers making arrests, and consequently the number of crimes to be prosecuted. Most of the increases that the prosecutor's office has seen have been misdemeanors and drug related cases.</p>
<p>6. What effect do "obstacles to change" and "change enhancers" have on consolidation?</p>	<p>One of the major "obstacles to change" is the current building for the court and county offices. The decision to consolidate clerical functions meant a wholesale dislocation of court and county office staff. The county building is seriously overloaded with offices and is poorly laid out for court use, which adds to security problems. County commissioners have agreed to find a new 45,000 square foot courthouse facility. A second obstacle was court staff anxiety about the changes being introduced under the demonstration project. When the judges had to make project implementation decisions quickly, court personnel did not feel involved in the change process (even though a newsletter was prepared to keep staff abreast of the changes). Centralization of clerical staff meant that they had to work with new people in a different office setting. Cross training meant not only that they would have to learn new tasks, but also that other staff members with less experience might be doing work they had done well. With the creation of the family division, personnel of the probate court felt that they were facing an additional number of "unhappy people" every day. Court staff members remain dissatisfied with the implementation of the demonstration project. The county clerk's concerns about issues associated with the planned centralization of clerical personnel slowed down its implementation. Consolidation of probation officers to allow greater flexibility in the use of probation officer resources has not been realized. Full merger of circuit, district and juvenile probation officers was not possible in the view of DOC leaders, so that it has been necessary for Trial Court leaders in Isabella County to explore lower levels of cooperation and coordination. Finally, the staff members of the probate court and the district court belong to different unions, and staff members of the county clerk do not belong to a union. The court administrator and the county administrator have begun to develop a uniform court personnel policy and explore the possibility of equalizing staff salaries and benefits.</p>

TABLE D-1 (continued).
SUMMARY OF FINDINGS FOR ISABELLA COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
	<p>To offset the possible problems presented by such obstacles as those above, the demonstration project has several positive features to promote the chance of its success. The willingness of the three judges to work together and to participate in a shared process of deciding how to operate the Trial Court has been critical. Another important element in the design of the demonstration project was the engagement of an administrator to serve all divisions of the Trial Court. Under the supervision of the chief judge, the court administrator has taken over many administrative responsibilities and has also served as an important source of information and support to court staff members. Strategic planning and court staff work groups gave participants an opportunity to contemplate what the courts <i>should</i> be doing in terms of mission and values and created a framework for thinking about the steps that might be necessary to improve operations in light of the mission and values. Despite the dissatisfaction of the court staff members with the prospect of change, their experience and commitment to the court was also a positive feature. In Isabella County, the chief judge has been an instrumental force in executing change. Now that the court administrator is more familiar with court dynamics and court operations, the chief judge will be stepping back from administrative duties and concentrating his efforts on the courtroom.</p>
<p>7. Does consolidation result in improved use of court information systems or other technology, and is that linked to enhanced court efficiency?</p>	<p>The demonstration project budget for the county was amended to provide for networking among the three courts. Conversion to an upgraded JIS (formerly called OSM) system was funded under the project. A unified case management system was to be implemented to improve the efficiency of court operations and the law library network was to be upgraded. Unfortunately, these steps did not occur, and Isabella County court leaders urged the Supreme Court to make court automation and uniform software a priority. Computerization of traffic tickets was another improvement that would save considerable time for both police officers and court personnel. The effort has been hampered, however, by software incompatibility and the reluctance of some law enforcement officers to use the new technology. Video technology was installed in one courtroom to make the record of trial proceedings, but it was not yet in use at the time of information gathering for the final evaluation. The court's 1997 capital budget request included \$47,000 for this purpose, but the installation cost of \$70,000 means that it will take longer for costs to be recouped as a result of savings in additional court reporting fees. The video technology is available for arraignments and video conferencing.</p>
<p>8. What effect does consolidation have on court budgeting?</p>	<p>Total pre-consolidation expenditures in 1995 were 19% higher than in 1994, largely because of a 27% increase in district court expenditures. Actual expenditures in 1996 under consolidation were 11% lower than 1995 and lower than had been budgeted, even with additional budget and expenditures for the new consolidated Trial Court. Before the budget process for 1997 began, the court administrator met with the county treasurer's office, which expressed its opposition to combining the budgets of the three courts into one. The Trial Court did take a step away from separate court budgets, however, by presenting all of the budgets at the same time in budget hearings with county officials. As a result of the position taken by the county treasurer's office, the approved budget for court expenses in 1997 (see Figure 4C) is organized in the same manner as that for 1996. The budget is 6% lower than that for 1996, with the largest budget reduction being that for the district court. Demonstration project officials did not abandon the prospect of consolidating court budgets. In 1997, court leaders submitted a 1998 consolidated budget to the county commissioners, and it was approved. In order to achieve a consolidated budget, the judge for each division submitted a budget to the Trial Court chief judge, who reviewed each budget and prepared a unified court budget with the trial court administrator. The consolidated budget permits the trial court to set priorities together and</p>

TABLE D-1 (continued).
SUMMARY OF FINDINGS FOR ISABELLA COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
	avoid competing for available funds. Also, expenses that could be combined, such as personnel and the public defender contract, were lumped into a single line item at an anticipated cost saving to the court. In spite of original resistance by commissioners and the county treasurer, the county administrator has indicated that the consolidated budget has made the budget process much easier.

TABLE D-2. PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN ISABELLA COUNTY*

Stakeholder Category	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Internal Stakeholders (9 focus group members)	<ul style="list-style-type: none"> Judges more familiar with specialized court offices Theories are good that there is always a judge available and that the courts are to be more user friendly Family court is a positive step towards dealing with the issues of children and families Increased appreciation regarding colleagues' roles in court system Increased relationships among personnel due to fact that all in same boat 	<ul style="list-style-type: none"> Bordering short of chaos. Too many changes, too fast Lack of adequate staff to support consolidation and lack of adequate cross training Have not reached the point of total consolidation More information needs to be disseminated to the public Unequal distribution of judicial workload Magistrates/referees are assuming more and more of the judicial workload FOC and juvenile workloads are falling behind due to overuse of referee in other areas Family court judge is over booked Family court services overburdened as services are mandated for increasing caseloads with archaic staffing levels Court administrator hired from outside court environment Increased turnover as a result of project Failure to follow through with recommendations from strategic planning work groups contributed to negativity Negative sentiments heard from law enforcement and attorneys Court leaders do not effectively communicate with line staff Office manager must be hired within business office to address and follow through with moderate conflicts More court staff are needed to address increased case volume as a result of tribal gaming, traffic team and increased population Majority of staff lost space to accommodate business office All staff members were treated as though resistant to change. No objection to change -- only the manner in which it was implemented Consolidation should terminate

* Source: April 1998 focus groups facilitated by NCSC evaluators.

TABLE D-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN ISABELLA COUNTY

Stakeholder Category	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Institutional Participants (9 focus group members)	<ul style="list-style-type: none"> • A single judge in family court leads to more consistent and more informed decisions for children and families and avoids forum shopping • Criminal pleas may be accepted by all the judges • Increased times to disposition in criminal cases • Consolidation has freed up two judges from administrative work • Timely court hearings • Increased communication with bar via Bench/Bar meetings • Judges can cover for each other • Use of magistrates for civil cases moving cases along • Consolidation has made the court process more user friendly • Consolidation of business office a good idea (i.e. universal staff, universal files and universal hardware/software) 	<ul style="list-style-type: none"> • Perceived to be chaotic • Increased frustrations by Sheriff's Office in dealing with the courts • Still waiting an inordinate amount of time for hearings • Created more work for staff to the point of overwork and decreased efficiency • Unequal distribution of judicial workload • Longer waiting time in family court due to fact that family court judge is overworked • Law enforcement agencies absorbing more work that the courts used to do (i.e. paper waivers) • Judges should communicate more with law enforcement regarding new policies and to determine impact • Rocket docket at the expense of justice • Cannot determine whether increased case processing is a result of project or the increased use of non-attorney quasi judicial officers • Litigants unable to afford hearings before quasi judicial officers and judges if need for "appellate" review • Movement towards consolidation done without adequate communication to line staff -- critical for employee commitment. • A new court facility would have enhanced the consolidation • Movement of court offices have been a problem for public, attorneys and court staff • Consolidation effort should have been better planned, timed and implemented over time • Business office overwhelmed. As a result lost experienced staff and new staff still in learning curve • Scheduling is still problematic in that multiple hearings are scheduled for the same time. Congestion on the second floor impacting other court offices. • Numerous complaints regarding telephone accessibility • Problems with filing court documents if knowledgeable clerk staff not available. Attorneys and public told to come back at another time • Law enforcement and court personnel must stand in line for the business office with general public • Business office inefficient (i.e. warrants not recalled)

TABLE D-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN ISABELLA COUNTY

Stakeholder Category	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Informed Citizens (10 focus group members)	<ul style="list-style-type: none"> • Theory of court consolidation is good (i.e. user friendly, one stop shopping, improved coordination among judge, consolidation of court functions and centralized business office • Record access is in one centralized location • Increased efficiency and cost savings • Vast improvement in civil case processing times • Criminal case processing times have improved • Improved service by FOC, employees are more friendly • Family court judge doing an excellent job given circumstances and lack of staff 	<ul style="list-style-type: none"> • No appreciable difference in quality of justice or swiftness of justice • Gaming related crimes and traffic team clogging up the courts • System tries to push matters through as fast as possible (i.e. Rocket Docket) • More difficult to access system • Court personnel too specialized. If unavailable, must call or come back at another time • Sense that there is little or no set orientation for staff • Inconsistent information given to public • Increased volume overwhelming staff and impacting quality of service to public • Perception that the increase in orders to counseling are to generate fees for the court • \$10 fee added to civil infractions and payable misdemeanors is wrong • Family court judge is overwhelmed with work • Continues to be problems with conflicting visitation orders and PPOs • Consolidation effort has little to do with case movement. Rather it is the personality and work ethic of the judges • No noticeable difference in case processing. Moves just as slowly as pre Demonstration Project. • Cases do not go when scheduled. Driving up attorneys' fees because of block scheduling and increased waiting times • Consolidation effort is still in process. Has not reached its maximum efficiency • Court has lost the human touch • Increased technology could enhance court operations • Money should be reallocated to ensure quality of justice (i.e. state should fund the court system)

**TABLE D-3.
SUMMARY OF FINAL EVALUATION FINDINGS
UNDER SPECIAL CRITERIA FOR ISABELLA COUNTY***

Special Criterion	Summary of Findings
4A. How effective has the consolidated court's special effort been with ADR providers in family and other cases?	During on-site evaluation interviews in April 1998, court leaders identified ADR efforts as an unmet goal of the demonstration project thus far, because ADR has been "put on the back burner." Although a court staff member was reassigned to act as the court's ADR coordinator, this position has not been fully used due to staff turnover. There have been other obstacles in the movement toward ADR, including problems in developing judicial and court staff commitment to its use.
4B. What are the results of having strategic planning work groups as a means to address court consolidation issues?	The strategic planning work group reports appear to have contributed in an important way to the manner in which several major steps were undertaken in the demonstration project. With the exception of the Tribal Issues Work group, however, the strategic planning work groups have been inactive and have not convened since the initiation of the demonstration project. There is no way to determine whether ongoing work group meetings could have minimized or sidestepped problems that arose during the demonstration project. There is a perception by the internal stakeholders, however, that work group plans and strategies were not fully implemented and if so could have avoided several problems such as staff resistance. Court leaders have indicated that a new work group is in development to address facilities planning for the new courthouse structure recently approved by the county commissioners. This work group would include cross-divisional court staff, judges, administrators, members of the community, members of the bar, law enforcement officials, probation representatives, FOC staff, clerk's office staff, the county clerk and county commissioners. It would conduct a needs assessment and make recommendations on space allocation.
4C. How effective has the consolidation effort been in allowing the court to meet any changes in caseload or case mix generated by Saginaw Chippewa Indian Tribe casino gambling?	A significant increase in court caseload (particularly traffic and misdemeanor cases) is happening at the time of the expansion of tribal casino gambling. Under the demonstration project, the judges are able to be more flexible in dealing with caseload fluctuations. A comparison of the age of the court's pending inventory in December 1996 with statewide time guidelines suggests that the court may have done as well or better in 1996 than it did in 1995 in civil and family cases, but that the pace of dispositions in criminal cases in 1996 was falling behind that in 1995. Data from 1997 indicate that, although felony times to disposition are increasing, misdemeanor times to disposition have remained fairly consistent with 1995 figures. On the other hand, the 1997 pending inventory for all criminal matters is much improved over that of 1996. This suggests that the Isabella County Trial Court is keeping up with the majority of cases, misdemeanors and traffic related, that have resulted from tribal gaming.

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume Four: Final Evaluation of Isabella County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter III.

APPENDIX E.

FINAL EVALUATION SUMMARY INFORMATION FOR LAKE COUNTY DEMONSTRATION PROJECT

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In the western part of the lower peninsula, about halfway between Grand Rapids and Traverse City, Lake County is one of the least populous counties in Michigan. The primary innovation of the demonstration project is that the former part-time probate judge of Lake County is now the full-time resident judge of the Trial Court, hearing all matters arising in the county, with backup from the 51st Circuit Court judge in Mason County and the 78th District Court judge in Newaygo County.⁴⁶

Table E-1 below summarizes findings for Lake County under core evaluation criteria. Tables E-2, E-3 and E-4 summarize results from focus group meetings facilitated by NCSC evaluators in April 1998. Table E-5 summarizes findings under special evaluation criteria.

⁴⁶ For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume Five: Final Evaluation of Lake County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998).

TABLE E-1.
SUMMARY OF FINDINGS FOR LAKE COUNTY
UNDER CORE EVALUATION CRITERIA*

Core Criterion	Summary of Final Evaluation Findings
1. How does consolidation affect the use of judicial and quasi judicial resources?	<p>The former part-time probate judge for the county now sits full time to hear all matters, with the 51st Circuit Court and 78th District Court judges exchanging backup judicial support as needed. The county now has court sessions five days a week, so that events can be scheduled sooner in each case. The resident judge is also available to deal immediately with emergency matters. In addition, the other two judges can give more time to their duties in Mason and Newaygo Counties. The resident judge's two-year conflict period as a new full-time judge passed in 1998, so that his colleagues need no longer hear disqualification cases involving his former clients. The blanket cross assignment policy among these three judges has caused a sharp drop in the need for judges from other counties. The three judges realize that complex civil cases, felony sentencing, landlord/tenant matters, and guardianship or conservatorships in estate matters make them less than fully fungible. Yet the resident judge hears all matters arising in the county, and each of three judges has heard a variety of matters for his colleagues in the project, including contested motions and trials as well as ex parte matters and uncontested motions. As the chief judge of the project, the resident judge works closely with the court administrator, court staff, and county officials. As for quasi judicial officers, the FOC referee heard dramatically fewer support enforcement motions in 1997 than in 1995. The resident judge also shares contested juvenile hearings. Since the commencement of the demonstration project, the district magistrate has done many fewer criminal arraignments (doing them only when the judge is not available); in turn, she has done more informal traffic hearings and small claims mediation.</p>
2. What is the effect of having a family division as part of each demonstration project?	<p>The resident judge sits in all three of the "separate" trial divisions, with backup support from the other two judges. Creation of the family division in Lake County is thus a means to organize the work of court staff members with family cases. With the resident judge sitting full time in Lake County, the FOC can have orders signed by the judge and have arraignments on warrants every day, instead of having to wait for the circuit court judge to arrive or to travel to Mason County to have him sign orders. Having the judge sitting every day in the county has also meant more regularity in juvenile hearings. Because the judge sits in district court as well as juvenile matters, there can be more creative treatment (e.g., community service) of older juveniles committing offenses as they near the age of majority. The probate court juvenile staff and the staff of the Friend of the Court (FOC) relocated to a different building near the courthouse a few months before the beginning of the demonstration project. Located together in that building, they constitute the staff of the Trial Court's family division. Because they are in a separate building, the Trial Court hired a secretary/receptionist to perform a number of court support functions, including assistance to citizens to direct them to the location of court proceedings. (All filings are still done at the intake office in the courthouse.) With such proximity, FOC staff and juvenile officers have been in closer working contact, collaborating on some children with both support orders and foster care placements. A final area in which family court operations are affected by the demonstration project has to do with access to information. With court clerical staff consolidated in a single intake office for all court matters, it is easier for the FOC staff to cross-check for cases in other forums. Computer access by the FOC staff and by juvenile officers to the case information systems of the circuit court and district court greatly enhances ability to cross-check as well. This ability should be all the more significant as probate case processing and case information for court matters are automated.</p>

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume Five: Final Evaluation of Lake County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter II.

TABLE E-1 (continued).
SUMMARY OF FINDINGS FOR LAKE COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
<p>3. How does consolidation affect the cost-effectiveness of court operations (e.g., by reducing administrative and service duplications)?</p>	<p>Having a full-time judge and cross assignment among the three judges in the project has sharply reduced the costs for out-of-county visiting judges in the county. The court reduced the size of its pending inventory of "circuit" cases between 1995 and the end of 1997, in part because of reduced filings. Reduced estate filings also contributed to a drop in pending cases by the end of 1997. Juvenile delinquency and child protection cases increased significantly from 1995 to the end of 1997. A dramatic improvement in pending case age of both criminal/traffic and civil "district" cases occurred between November 1996 and December 1998. There has been a general decrease in 1998 in the percentage of cases pending longer than state time guidelines, and this is clearly related to the daily presence of a full-time judge who can schedule and dispose of matters more expeditiously. Consolidation has had a dramatic impact on the court's fine and fee collection: collections in 1997 were 65% higher than in 1995. Creation of a single intake office for all court filings required cross training of court personnel, and a new staff person was added as a secretary/receptionist. It is now much easier for citizens to conduct business at the court, and there is improved exchange of case information within the court. Creation of a single jury pool for all court divisions has resulted in efficiencies, although the county's total costs are small. In 1998, the court submitted a flat-fee contract for all court-appointed attorney services, sharply reducing indigent defense costs for the county. There has been no merger of felony and misdemeanor probation services in the county. But the full-time juvenile casework supervisor/referee now does all district court assessments, saving the cost of a former part-time district court probation officer.</p>
<p>4. How does consolidation affect key stakeholders' perceptions of court operations?</p>	<p>The overwhelming perception among those interviewed was that having a full-time resident judge hearing all matters has significant benefits -- greater availability to citizens, easier scheduling, easier access to a judge to have matters heard or orders signed, and expedited case processing. Attorneys and citizens have greater convenience -- attorney matters can all be scheduled for the day an attorney is at the courthouse, and there are fewer court appearances required for counsel and parties in criminal and family matters. Having a single intake office for all cases is easier for attorneys filing papers, for citizens asking questions, and for court staff seeking case information. Having a consolidated court with a unified budget means that county officials need deal with only one court official -- the court administrator -- instead of three judges. Negative perceptions include the observation that conflicts for the full-time resident judge still create scheduling problems (although the number of conflict cases is dropping as time passes). At first, judges and court staff were sometimes uncomfortable dealing with matters in which they had limited experience, although time and cross training for staff have alleviated that problem. Finally, the changes in scheduling have made it difficult at times for probation officers to complete their work, because for both felonies and misdemeanors they may not be present when a plea is entered and it is determined that a presentence investigation is needed. (See Tables E-2, E-3 and E-4 for highlights of positive and negative perceptions by members of each focus group.)</p>

TABLE E-1 (continued).
SUMMARY OF FINDINGS FOR LAKE COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
<p>5. Does consolidation promote improved coordination with court-related agencies?</p>	<p>The consolidation of clerical staff in a single intake office for the Trial Court created a staffing problem for the county clerk. When the deputy county clerk became the full-time supervisor of the intake office, the county clerk had to engage a new staff person to carry out non-court functions. In her role as county administrator, the county clerk is responsible for all grants sought by the county. The consolidation makes her dealings with the court easier. She deals directly with the court administrator, instead of dealing with the different perspectives of the judges of three different courts. By expediting the pace of litigation, the demonstration project has helped to alleviate the county sheriff's concerns about prisoners being detained for long periods awaiting trial. This has also resulted in a change in the mix of prisoners housed in the jail, with a smaller ratio of persons in pretrial detention. The daily presence of a full-time judge makes it easier for the sheriff to have papers signed. While it has a small resident population, Lake County is a recreation area, particularly for fish and game enthusiasts. In this environment, the officer from the Department of Natural Resources (DNR) has active law enforcement responsibilities and brings about 175-200 fish and game violations before the court every year. Because the court now has a full-time judge and is no longer sharing the district court judge with Newaygo County, the DNR cases move much more quickly to disposition. Because of the faster court process and the expansion of trial days, the county prosecutor has added a part-time assistant prosecutor in order to manage criminal matters before the court. The prosecutor believes that his office is now more efficient because he can schedule better and is also firmer on plea bargaining because now he knows he has time to go to trial. Probation agents of DOC find it easier to schedule clients for presentence investigation (PSI) reports. Even though the resident judge in Lake County must sometimes have cases reassigned because of disqualifications, they find that cases move more expeditiously. A problem with having one judge hear all matters, however, is that they find it less predictable when felony defendants will enter guilty pleas, after which appointments must be scheduled with DOC agents for PSI reports. Representatives of the State Department of Mental Health and the Family Independence Agency (FIA) work in abuse and neglect cases with juvenile officers on the provision of services to children and their families, and they also interact with FOC and court staff in guardianship cases. Not as a direct result of the demonstration project implementation, but happening at about the same time, the staff of the Mental Health Agency have recently been engaged in a heightened level of communication with the Trial Court's juvenile officers about their respective roles and services. Juvenile officers are working closely with FIA on the provision of "wraparound" services to juveniles.</p>

TABLE E-1 (continued).
SUMMARY OF FINDINGS FOR LAKE COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
<p>6. What effect do “obstacles to change” and “change enhancers” have on consolidation?</p>	<p>All three judges in the project had to overcome uneasiness taking types of cases with which they have not dealt extensively in recent years on the bench, and for which they may not be as efficient as a judge who deals more often with such cases. Clerical personnel were initially resistant to being pooled in a single intake office on the first floor of the courthouse, and each felt a level of “incompetence” in dealing with files, procedures, scheduling and the case information systems for unfamiliar case types. But the court administrator and deputy administrator have organized regular cross training sessions for clerical staff. The Trial Court is hampered by the absence of a second jury courtroom. If the county had a second courtroom, two judges might sit at the same time to hold trials or hearings and help even more to reduce the size and age of the pending inventory in the court. Because the resident Trial Court judge formerly served in a part-time status, he initially had to disqualify himself in cases involving parties who had recently been clients in his private law practice, and scheduling problems often arose when the other two judges in the project had to take disqualification cases. The need for such disqualification assignments began to drop off after only three months of demonstration project implementation, and the problem was eliminated as the resident judge reached two years of full-time service in 1998. Before the demonstration project, the county had only limited need for court support staff. Since the commencement of the project, however, the Trial Court has made the former deputy county clerk the full-time supervisor of the intake office. After the creation of the intake office, the Trial Court also hired an additional clerk/receptionist to assist with filing and office operations, and also to direct participants in family matters to the building across the street housing FOC and juvenile personnel. While each of these changes resulted in increased costs to the county, there was sufficient additional revenue to pay for them. The demonstration project’s daily court session was creating scheduling difficulties for the district court probation officer, who must also serve Newaygo County, and who found that she had to make a special effort to stay abreast of requirements to prepare presentence investigation reports. In 1998, this problem was solved when the probation officer was reassigned solely to Newaygo County, and the full-time probate juvenile casework supervisor/referee in Lake County was assigned to do assessments for its district court cases.</p> <p>To offset the possible problems presented by such obstacles as those above, the demonstration project has several positive features that will tend to promote the chance of its success. The small size of the county meant that all the key actors in the demonstration project implementation knew each other well and were able to work together. A key consideration in the success to date of the implementation effort in Lake County has been the commitment, flexibility and cooperation of the judges with each other, the county commissioners and county clerk/administrator. While trial court consolidation has required flexibility and commitment from the three judges involved in the demonstration project, its implementation is also benefitted greatly from the capacity of court administrative leaders and staff members to deal with the numerous day-to-day operational details and problems associated with consolidation. The demonstration project would be impossible to carry out without the support of county commissioners, the county clerk/administrator, the county prosecutor and the county sheriff. The project has not had to deal with union concerns. Without the labor-management issues associated with the presence of one or more unions, it has been easier for court and county leaders to take steps necessary to support the consolidation effort, such as the creation of the intake office for the Trial Court. Finally, the relocation of FOC personnel and juvenile officers and staff has facilitated communication and coordination and promoted the effectiveness of the family division.</p>

TABLE E-1 (continued).
SUMMARY OF FINDINGS FOR LAKE COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
<p>7. Does consolidation result in improved use of court information systems or other technology, and is that linked to enhanced court efficiency?</p>	<p>Before commencement of the demonstration project, Lake County had automated case information systems for circuit and district court, and the FOC office had a separately funded automated child support enforcement system for its case information. A major automation initiative under the demonstration project has been to provide computerization of case information for the probate and juvenile personnel. In late 1996, installation was completed and staff members received training on the use of the hardware and software. With this capacity, it is possible for juvenile and estate information to be more readily available on line to the judges and staff of the Trial Court.</p> <p>Court leaders anticipated that the demonstration project would provide means for DOC probate agents dealing with circuit court felony cases to have automated on-line access to information on all court cases. The DOC relocated its probation agents to a new building, however, so that implementation of plans for creating an on-line link has been held in abeyance. A final part of the automation improvement effort under the demonstration project was to install cashiering systems for the Trial Court's intake office computers. With the automated cash draw systems, court fee receipts are recorded directly on-line in the county's general ledger. This has the obvious positive consequence of expedited transmission of cash receipts management information from the court to the county.</p>
<p>8. What effect does consolidation have on court budgeting?</p>	<p>The court consolidation has had a very positive effect on the court budgeting process in Lake County. The county commissioners and county administrator no longer have to deal separately with three different judges, each with a separate style and agenda. Instead, they deal primarily now with just the trial court administrator. Also, Lake County has been able to negotiate new agreements with their sister counties that have shared jurisdictions. For example, previous to consolidation Lake County was paying 33% of Mason county's circuit court budget and now is only paying 15% because of a lesser need and Newaygo county has severed all court funding ties. In keeping with Supreme Court requirements, the Lake County Trial Court administrator submitted a uniform budget to local authorities in December 1997 for calendar year 1998. A larger Trial Court budget for 1997 was due in large part to the addition of staff members and the transition of others to full-time status. The increased budget expenditures have been offset by a sharp increase in district court receipts since the start of the demonstration project, brought about by a faster court process that accelerates receipt of fines and fees. In late 1996, county officials acted on the uniform joint budget submitted by the trial court administrator. The commissioners chose to keep the salaries and wages for court staff members separate, under the Probate Court, the 51st Circuit Court, and the 78th District Court. For 1998, all budgets are unified, except for child care and FOC due to federal funding constraints.</p>

**TABLE E-2. APRIL 1998 PERSPECTIVES OF INTERNAL
STAKEHOLDERS ABOUT COURT OPERATIONS AND
DEMONSTRATION PROJECT IN LAKE COUNTY* (N=8)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
1. What comes to mind when you hear the term unified or consolidated court?	<ul style="list-style-type: none"> • Running all courts under one umbrella • Good idea, one judge can handle one family • We're all one, all pulling together for one cause • One intake center to streamline services, people can be directed from one office • Judge availability speeds up court process • FOC sees paperwork faster 	<ul style="list-style-type: none"> • None
2. What are the benefits of working within a unified/consolidated court?	<ul style="list-style-type: none"> • Cross-training allows clerks to be more flexible in what days they can take off • Cross-training allows clerks to return from vacation and not be swamped with backlog • Easier to get help because more people know the answer • Having a judge on site every day is more efficient • Everything is funneled through intake office, one control of judge's docket 	<ul style="list-style-type: none"> • Prosecutor is also a referee for child support cases, which causes a conflict
3. Has the consolidation resulted in more efficient use of time for judges and referees?	<ul style="list-style-type: none"> • More time for each case, because before demonstration project all probate cases were only heard on two days • Judge has set docket and can schedule better • FOC office has its own referee one day a month • Juvenile probation referee has set days now 	<ul style="list-style-type: none"> • None
4. What is the effect of having a family division as part of the court?	<ul style="list-style-type: none"> • FOC knows what is happening in Probate Court • Information is more readily available to juvenile probation caseworkers • Before the three judges may not have communicated with one another about cases; One judge/one family looks at all cases involving one family • Contract attorneys can follow a case through system 	<ul style="list-style-type: none"> • None

* Source: April 1998 focus group conducted by NCSC evaluators.

**TABLE E-2 (continued). APRIL 1998 PERSPECTIVES OF INTERNAL
STAKEHOLDERS ABOUT COURT OPERATIONS AND
DEMONSTRATION PROJECT IN LAKE COUNTY (N=8)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
5. Have court operations been streamlined and made more efficient since the consolidation?	<ul style="list-style-type: none"> • Intake office making more use of computer system now, can pull statistics from it • Intake office can run a cross-check search on cases in circuit and district court • Case processing improved, because PSI took four weeks before project began 	<ul style="list-style-type: none"> • Department of Corrections does not have access to criminal files on computer • Juvenile cases not integrated with circuit and district cases on computer • Only one mailbox key, have to wait until intake office gets mails and distributes it; keeps FOC from distributing checks later in the day, particularly bad on Mondays and Tuesdays
6. Has court consolidation improved communication and coordination with court-related agencies?	<ul style="list-style-type: none"> • Juvenile probation always had a good relationship with court-related agencies, but now mental health is no longer in the small building-need to call Ludington to talk to someone at mental health who is across the street • Intake clerks working more with FIA now 	<ul style="list-style-type: none"> • Problem with agencies outside the state
7. Have the changes under the consolidation project had an overall positive or negative effect on the quality of service to citizens by court staff members?	<ul style="list-style-type: none"> • One-stop shopping" at intake • All collections except tickets go through central intake office – makes it easier for people who owe for several different cases. • Access to judge better • FOC is having their hearings faster • Rights of defendants are improved, show cause hearings happening faster • Easier for court to follow up on probationers who miss a treatment • One judge/one family more convenient for people 	<ul style="list-style-type: none"> • None

**TABLE E-2 (continued). APRIL 1998 PERSPECTIVES OF INTERNAL
STAKEHOLDERS ABOUT COURT OPERATIONS AND
DEMONSTRATION PROJECT IN LAKE COUNTY (N=8)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
8. Have the changes under the consolidation project had an overall positive or negative effect on how you feel about your job?	<ul style="list-style-type: none"> • Overall a positive • Better now we're over adjustment period, first 6-8 months rough • Likes job, judge is easy to get along with • Department of Corrections looking forward to coming into new courthouse, better communication 	<ul style="list-style-type: none"> • Intake office not happy about new courthouse: will have cubicles and no windows • FOC staff not happy about coming into new courthouse: they like being separate
9. Has court consolidation reduced duplication of services by different court staff members?	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Not completely: State wants identical forms from Probate and Circuit court for collections reporting because they go into different funds
10. How did the court facilities affect the operation of the consolidation effort?	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • If DOC were in courthouse, they would not always be telephoning court staff
11. How, if at all, did the temporary nature of the demonstration project affect your willingness to participate?	<ul style="list-style-type: none"> • Have always wanted consolidation to work • Afraid to go back to the way it was 	<ul style="list-style-type: none"> • None
12. Are there further changes that should be made (such as with court facilities) in order to improve court operations?	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Court, not the County Clerk, should have control over Circuit Court records because they understand their value • Should be paid more now because of cross-training • Safety concerns from interactions with dangerous people who know you because it's a small town
13. If the "change process" associated with the implementation of the consolidation were to start today, how might it be done differently for you to do your job well?	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • More communication from above • Have more frequent meetings • No troubleshooter during transition • Need more space – Intake people had to adjust
14. All things considered, how would you rate the success of the court consolidation project?	<ul style="list-style-type: none"> • Above average success rate 	<ul style="list-style-type: none"> • FOC has not felt the effect of consolidation
15. Should the project continue or terminate?	<ul style="list-style-type: none"> • All agree it should continue 	<ul style="list-style-type: none"> • None

TABLE E-3. APRIL 1998 PERSPECTIVES OF REGULAR INSTITUTIONAL PARTICIPANT FOCUS GROUP ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN LAKE COUNTY * (N=8)

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
1. What comes to mind when you hear the term unified or consolidated court?	<ul style="list-style-type: none"> • More accessible, one judge here all the time • Multiple problems through one judge • One judge/one family • Something experimental, a way to try and correct problem in justice system • One judge doing it all 	<ul style="list-style-type: none"> • State police have not noticed that much of a change
2. What are the benefits of working within a unified/consolidated court?	<ul style="list-style-type: none"> • Much more efficient, people don't have to keep coming back • Can see the benefit because also work in other counties that don't have consolidation • Importance of continuity with one judge instead of three, each judge does not have to be educated • Seems that they are turning around warrants faster • Better access with local judge • Having one judge allows you to predict what he will do 	<ul style="list-style-type: none"> • None
3. Has the consolidation resulted in more efficient use of time for judges and referees?	<ul style="list-style-type: none"> • Better flow with one judge • Time saving, judge does not have to keep bringing himself up to speed • Same judge does prelim as well as trial, judge already has feel for case • Can get judge easier on an ex parte conference • Judge no longer has part-time law practice and does not have to disqualify himself, no longer have to adjourn waiting for a visiting judge to come 	<ul style="list-style-type: none"> • None
4. What is the effect of having a family division as part of the court?	<ul style="list-style-type: none"> • Dysfunctional family only deals with one judge • Whole system is more efficient, there is an interplay between FOC and juvenile, now, you know what is going on 	<ul style="list-style-type: none"> • None
5. Have court operations been streamlined and made more efficient since the consolidation?	<ul style="list-style-type: none"> • State police don't have to bring back prisoners for hearing because now process is further along, e.g., pleas at pretrial conference • Sheriff has most of his prisoner transportation work on Monday and Tuesday, so bring in extra people those days 	<ul style="list-style-type: none"> • None

TABLE E-3 (continued). APRIL 1998 PERSPECTIVES OF REGULAR INSTITUTIONAL PARTICIPANT FOCUS GROUP ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN LAKE COUNTY (N=8)

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
6. Has court consolidation improved communication and coordination with court-related agencies?	<ul style="list-style-type: none"> • Sheriff satisfied with communication • Much more of a system in court, in almost daily contact • Only four local members of the bar, they were informed by judge in chambers • Easier to negotiate public defender contract because only one judge • Attorneys have a mailbox in central office now 	State police commented that until letter came about focus group did not know that the court had unified
7. Has court consolidation had a positive or negative impact on the cost of operating the courts?	<ul style="list-style-type: none"> • Less administration work for public defender • Less overtime needs to be paid for court appearances because fewer appearances 	<ul style="list-style-type: none"> • None
8. Has court consolidation led to improved or worsened services to regular participants, such as you and the public at large?	<ul style="list-style-type: none"> • Improved communication among court operations • Better services now • Used to several people scheduling the judges' time, now just one, that is better 	<ul style="list-style-type: none"> • None
9. Have the changes under the trial court consolidation project had an overall positive or negative effect on the way you do your work in the court process?	<ul style="list-style-type: none"> • Positive, people do not have to come back a lot, easier for public defender, clients – could not manage public defender caseload with old system • Positive, a better system 	<ul style="list-style-type: none"> • FIA and Department of Corrections have noticed no change
10. Have the changes under the consolidation project had an overall positive or negative effect on the quality of justice in the court process?	<ul style="list-style-type: none"> • Good to have a full-time local judge • More consistency, other judges did not know Baldwin and what was going on 	<ul style="list-style-type: none"> • None
11. Are there further changes that should be made (such as with court facilities) in order to improve court operations?	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Better scheduling with attorneys' offices
12. If the "change process" associated with the implementation of the consolidation were to start today, how might it be done differently for you to do your job well?	<ul style="list-style-type: none"> • Everyone believed they were kept well informed 	<ul style="list-style-type: none"> • None

TABLE E-3 (continued). APRIL 1998 PERSPECTIVES OF REGULAR INSTITUTIONAL PARTICIPANT FOCUS GROUP ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN LAKE COUNTY (N=8)

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
13. All things considered, how would you rate the success of the court consolidation project?	<ul style="list-style-type: none"> • 9 or 10 (on a scale with 10 being the highest rating) 	<ul style="list-style-type: none"> • None
14. Should the project continue or terminate?	<ul style="list-style-type: none"> • Absolutely continue 	<ul style="list-style-type: none"> • None

**TABLE E-4. APRIL 1998 PERSPECTIVES OF INFORMED CITIZEN
FOCUS GROUP ABOUT COURT OPERATIONS AND
DEMONSTRATION PROJECT IN LAKE COUNTY* (N=9)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
1. What comes to mind when you hear the term unified or consolidated court?	<ul style="list-style-type: none"> • Efficiency • Much faster • More accessible • Judge is able to keep up with case • More user friendly, user knows where to be 	<ul style="list-style-type: none"> • None
2. What are the benefits of working within a unified/consolidated court?	<ul style="list-style-type: none"> • Judge knows the individual; prosecutor can intercede faster – can bring up other issues at initial hearing • Judge more responsible to Lake County – visiting judges did not seem as concerned about the ramifications of their decisions • Collections are up 	<ul style="list-style-type: none"> • Can local judge be objective when he knows the people before him well? • Intake office is terribly busy
3. Have the changes under the consolidation project had an overall positive or negative effect on the quality of justice in the court process?	<ul style="list-style-type: none"> • Things are moving faster • Support staff are well organized and efficient 	<ul style="list-style-type: none"> • None
4. Have the changes under the consolidation project had an overall positive or negative effect on the quality of service to citizens by court staff members outside the courtroom?	<ul style="list-style-type: none"> • Noticed collaborative work by court staff • Courtroom is always busy • Cases are moving much more quickly • Community thinks court staff are very helpful • Easier to get to speak to a judge to get questions answered • All staff are knowledgeable • Jurors have to wait around less 	<ul style="list-style-type: none"> • None
5. How has the consolidation affected your perceptions of the courts?	<ul style="list-style-type: none"> • Everyone involved wants it to work • No one would say worse impression; people would say better or the same • Have ownership of court, not stepchild anymore 	<ul style="list-style-type: none"> • None
6. Have the changes under the consolidation project had any effect on the cost-effectiveness of court operations?	<ul style="list-style-type: none"> • Individuals that are assessed are paying fines due to better tracking of cases 	<ul style="list-style-type: none"> • None

* Source: April 1998 focus group conducted by NCSC evaluators.

TABLE E-4 (continued). APRIL 1998 PERSPECTIVES OF INFORMED CITIZEN FOCUS GROUP ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN LAKE COUNTY (N=9)

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
7. Has court consolidation improved access to the courts?	<ul style="list-style-type: none"> • Yes, three part-timers do not add up to one full-time judge • Lower stress level, judges are not running around as much 	<ul style="list-style-type: none"> • None
8. Are there further changes that should be made (such as with court facilities) in order to improve court operations?	<ul style="list-style-type: none"> • New court facilities • Technology/computers • Two full-time prosecutors 	<ul style="list-style-type: none"> • None
9. How would you rate the success of the court consolidation project?	<ul style="list-style-type: none"> • Very successful • 10 out of 10 	<ul style="list-style-type: none"> • None

**TABLE E-5.
SUMMARY OF FINAL EVALUATION FINDINGS
UNDER SPECIAL CRITERIA FOR LAKE COUNTY***

Special Criterion	Summary of Findings
5A. What is the effect of having one resident judge in Lake County to handle the entire caseload on a full-time basis?	Scheduling is easier and events are scheduled sooner. Access to a judge is easier for litigants. Fewer court appearances are necessary per case. Having a faster court process with events scheduled sooner, the court receives fine and fee payments sooner. Costs are reduced for visiting judges. With the resident judge always present, it is possible for the court to schedule all of an attorney's events for the day when she or he is in the county. Now that the resident judge sits full time, he is hearing most initial arraignments in criminal cases and some of the juvenile matters, so that the district magistrate and county juvenile officer can perform other functions. Having a full time judge for criminal matters has required adjustments in the provision of felony and misdemeanor probation services. Finally, the judges of the 51st Circuit Court and 78th District Court can each be more available in the <i>other</i> county for which he is responsible.
5B. What is the impact of the Lake County Adjunct Advisory Committee on the effectiveness of the consolidated trial court demonstration project?	The Advisory Committee gives the Judicial Management Council feedback on financial and personnel issues. Its existence has helped to promote an already-good working relationship between the court administrator and the county clerk/administrator. It has provided a vehicle for the county commissioners to be involved in the court reform effort. The cooperative attitude of the judges has helped engender support for the project from the commissioners and county administrator.
5C. What are the results of having one intake office receive all court filings?	After transitional difficulties, the clerical personnel have responded positively to the merger of clerk's office functions. Citizens coming to the courthouse now need come to only one location for all court business. The intake office is also more efficient for court and county staff members. Intake office staff members have become more facile in providing information to FOC and juvenile staff as well as members of the bar.

* For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume Five: Final Evaluation of Lake County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter III.

APPENDIX F.

**FINAL EVALUATION SUMMARY INFORMATION
FOR WASHTENAW COUNTY DEMONSTRATION PROJECT**

APPENDIX F.

FINAL EVALUATION SUMMARY INFORMATION FOR WASHTENAW COUNTY DEMONSTRATION PROJECT

Located in southeast Michigan as part of the greater Detroit metropolitan area, Washtenaw County is the most populous of the demonstration project sites. The courts involved in the demonstration project are the 22nd Circuit Court (five judges); the 14-A (three judges serving Washtenaw County), 14-B (one judge serving Ypsilanti Township) and 15th (three judges serving City of Ann Arbor) District Courts; and the Washtenaw County Probate Court (two judges).⁴⁷

Table F-1 below summarizes findings for Washtenaw County under core evaluation criteria. Table F-2 summarizes results from focus group meetings facilitated by NCSC evaluators in May 1998. Table F-3 summarizes findings under special evaluation criteria.

⁴⁷ For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume Six: Final Evaluation of Washtenaw County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998).

TABLE F-1.
SUMMARY OF FINDINGS FOR WASHTENAW COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
1. How does consolidation affect the use of judicial and quasi judicial resources?	<p>The court was originally organized with civil, criminal, family, and appellate divisions, but the criminal division judges had difficulty hearing both felonies and misdemeanors. Personality conflicts meant that the civil division judges refused to help the criminal division judges. In early 1997, the court reorganized to have criminal/civil, family, and district divisions. District division judges were to take felony pleas and hear misdemeanors and limited-jurisdiction civil matters, aiding the other divisions on an as-needed basis. Cross-assignment of judges under the earlier "21st Century" project had reduced the use of visiting out-of-county judges, so that there was little room for improvement under the demonstration project. Conflicts among the judges have hampered the effectiveness of the chief judge. Most authority for the overall consolidated court is in the Judicial Council, with the chief judge responsible for personnel matters. As for quasi judicial officers, the court conducted an experiment with having FOC referees participate in the rotation with juvenile referees for weekend initial appearances. Given the limited experience of FOC referees with juvenile matters and the geographical distance between the FOC and juvenile facilities, however, the experiment was discontinued. Magistrates in the district division cover for one another on weekends and holidays.</p>
2. What is the effect of having a family division as part of each demonstration project?	<p>The family division has three judges under the 1997 organization of divisions. Currently, the family division administrator also serves as the FOC. By the first quarter of 1997, the division completed the design of an experimental divorce mediation program. The major benefit seen for the program by the judges of the division is to help create an environment in which families can make decisions that they will not subsequently have to ask the court to revise. While lawyers will not necessarily play a major role in mediation sessions, they will continue to be involved in helping parties work out the terms of written agreements settling divorce cases. With the county juvenile center located several miles away from the county courthouse, two family division judges have chambers in the county courthouse and the third has chambers at the juvenile center. A second courtroom at the juvenile center, completed in 1997 and intended to improve juvenile case management, has not been used because of a shortage of judicial resources and the perceived resistance of the juvenile judge to relinquish her caseload. Integration of computers has served to improve communications among division judges and staff working on juvenile, estates, and domestic relations cases.</p>
3. How does consolidation affect the cost-effective-ness of court operations (e.g., by reducing administrative and service duplications)?	<p>The total number of pending "circuit" cases and the number over two years old (especially noncapital criminal cases) was notably higher at the end of 1997 than at the end of 1995. The court had fewer pending estate cases at the end of 1997 than at the end of 1995. While there were fewer delinquency petitions in 1997 than in 1995, there were more than twice as many child protection petitions, so that there were more minors under the court's jurisdiction at the end of 1997. Each of the three "district courts" had more cases pending at the end of 1997 than they did at the end of 1995. By the end of 1997, the problems that led to the 1997 reorganization were thus still affecting the size and age of the court's pending inventory. The 1997 reorganization included a restructuring of court administrators, reducing costs for administrator positions; rationalizing administration of the family division; providing an administrator for each district division entity; and providing an administrator to work with each funding unit. Finally, under the demonstration project the Trial Court increased the number of preliminary examination dockets from four per week to six per week. This has had the initial impact of increasing prisoner transport costs for the sheriff, but it is expected overall to yield more early case dispositions. This should help offset prisoner transport costs and possibly reduce jail crowding.</p>

TABLE F-1 (continued)
SUMMARY OF FINDINGS FOR WASHTENAW COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
4. How does consolidation affect key stakeholders' perceptions of court operations?	Although most of the stakeholders agreed that the theory being consolidation is sound, there were conflicting opinions as to the success of the effort. While there were differences of opinion whether the court was in fact consolidated, the majority of stakeholders agreed that the situation in spring 1998 was much improved over that at the inception of the project in 1996. Those critical of the project cite insufficient preparation time; inadequate training and lack of communication from court leaders as the most significant problems associated with the change process. (See Table F-2 for highlights of positive and negative perceptions by members of each focus group.)
5. Does consolidation promote improved coordination with court-related agencies?	While record keeping functions remain outside the direct supervision of the court, the chief judge of the 22 nd Circuit Court signed a cooperative agreement with the court clerk/register in 1995, in contemplation of the Washtenaw County demonstration project application. The agreement provides for information and problem-solving consultation between the clerk/register and the court administrator's office, with procedures for resolution of disputes. Creation of centralized preliminary examinations under the 21 st Century pilot project changed prisoner transport responsibilities for the sheriff's department. It reduced the number of court locations to which prisoners had to be transported, and simplification of scheduling (four mornings each week) reduced scheduling conflicts for deputies. The demonstration court's shift to increase preliminary hearings by adding afternoon sessions has meant more court appearances for prisoner transport and more potential conflicts with afternoon felony trial appearances at the county courthouse, although more early case dispositions may ameliorate the potential for such conflicts. The creation of the criminal division with seven judges, in association with facilities limitations at the county courthouse, has also increased court security problems for the court and the sheriff's department. The high level of communications with the court system has permitted collaboration on the development of a grant application for the merger of the automated databases of the sheriff, the court system, and the prosecutor. Centralization of preliminary examinations at the county service center provided great savings for the prosecutor's office by reducing the number of court locations and dockets at which assistant prosecutors had to appear to four mornings each week. The increase from four to six preliminary examination dockets under the demonstration project increased the number of court dockets that the prosecutor's office had to cover, but in the end it moved cases more quickly through the system. With seven criminal judges under the demonstration project in 1996 instead of the five pre-consolidation circuit judges, the public defender office was challenged to have enough attorneys to cover court appearances. The difficulties this presented had a positive side effect, however, in that they forced the prosecutor's office and public defender's office to engage in greater coordination with each other. Problems in this regard may be reduced as a result of the 1997 restructuring of the Trial Court with four civil/criminal judges at the general-jurisdiction level. Initial implementation of the demonstration project caused a number of transitional problems for DOC agents serving as probation officers in Washtenaw County felony cases. A shortage of courtrooms in the county courthouse created great problems in the scheduling of criminal cases. Despite these initial problems, relations between the local DOC agents and the Trial Court have been positive. DOC agents feel that the judges have been very good to them. The chief judge of the Trial Court and the criminal division administrator have been very responsive to their concerns. In particular, the court and the county have assisted the local DOC office with automation hardware and information system access.

TABLE F-1 (continued).
SUMMARY OF FINDINGS FOR WASHTENAW COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
<p>6. What effect do “obstacles to change” and “change enhancers” have on consolidation?</p>	<p>Difficulty with judge personalities was one of the “obstacles to change.” Some of the judges in the county were not prepared for the changes associated with the demonstration project. Moreover, differences of opinion among strong-willed judges did not always lend themselves to easy reconciliation. Another problem involved the manner in which a judge was nominated in Washtenaw County for appointment by the Supreme Court to lead the demonstration project, which created divisions among the judges. Furthermore, the operation of the demonstration project in 1996 was severely hampered by court facilities. Having fewer courtrooms in the county courthouse than judges to hold hearings there has created both scheduling and security problems. An additional facility issue involves the juvenile center, which is several miles away from the county courthouse and had only one courtroom until a second was created in 1997. Plans are being developed for the construction of a new family court building, which may be built either near the current site of the juvenile center or at the county service center. Still another problem involved support staff reaction to change. While the judges in Washtenaw County reached agreement on steps to implement the demonstration project, the project went forward with several false starts and with inadequate attention to the problems that would confront court staff members. Dissatisfaction among court support personnel serving as staff in the courtrooms was consequently high in the initial months of project implementation, and staff buy-in to the idea of a consolidated court and the operation of the demonstration project has been slow to develop. The level of bar involvement in planning for change was also an issue. While the bar as a whole remained supportive of the consolidation experiment, the court’s differences of opinion with sectors of the bar hampered implementation and made the bar less enthusiastic about expressing public support for the project. Finally, statutory limitations on the duties of quasi judicial officers have limited experimentation in Washtenaw County with broader and more flexible use for them.</p> <p>To offset the possible problems presented by such obstacles as those above, the demonstration project has several positive features that will tend to promote the chance of its success. Those included the capable and hard-working judges and court support staff. By and large, the trial court bench in Washtenaw County is relatively young, open to improvements, and not wedded to needlessly retaining traditional approaches to doing business. At the same time, the staff members of the district courts, the probate court, the circuit court, and the court services division of the county clerk/register’s office have a sense of commitment to the value of their work and to serving the members of the public. The court’s successes in its 21st Century project helped create a sense of accomplishment among judges and staff. Support of local government officials was also important. While events associated with demonstration project implementation in the last half of 1996 were discouraging for local government officials, the decisions made by court leaders in early 1997 to restructure the Trial Court have reduced the tension within the court and lessened the level of concern among general government officials. Finally, court leaders in Washtenaw County have engaged the services of an expert facilitator, which helped court leaders and other stakeholders in the local court process to identify and deal with issues arising in the dynamics of organizational change.</p>

TABLE F-1 (continued).
SUMMARY OF FINDINGS FOR WASHTENAW COUNTY
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
7. Does consolidation result in improved use of court information systems or other technology, and is that linked to enhanced court efficiency?	<p>An objective of the demonstration project has been to continue the expansion and integration of court computer information systems to include all of the trial courts, and to move toward integration with court-related agencies as well. In the period from March through October 1996, there were substantial accomplishments made with court computer technology under the demonstration project: (1) integration of the juvenile system with that for the rest of the courts; (2) probate court system implementation and training; (3) automation and training for the 15th District Court; and (4) new server, network, and PCs for the courts were set up by county data processing. As of May 1998, the 14B District Court was in the process of being added to the integrated computer network which would allow its staff to have inquiry access to all court cases except juvenile matters. With the 15th District Court going on the county's system for the courts, the public defender's office gained access to the case information from that court as well as 14A District Court cases. The Trial Court and Washtenaw County officials have also seen a benefit in supporting the automation needs of DOC probation agents. Washtenaw County has offered to supplement the equipment provided by the state so that every probation agent has a computer. The 22nd Circuit Court employed videotape to make the trial record in three of its courtrooms before the commencement of the demonstration project. In 1997, videotape was installed in two further courtrooms in the Washtenaw County courthouse, upon the retirement of two court reporters. This has added to the flexibility that the Trial Court has in having the record made of its proceedings, and the amortized cost of the videotape equipment should reduce the long-term costs of court reporting services in the county.</p>
8. What effect does consolidation have on court budgeting?	<p>The courts in Washtenaw County have budgets appropriated by three different funding units, with different fiscal years. With courts and funding units on different fiscal years, the funding units cannot accommodate a completely joint budget. As an exercise, however, the leaders of the Trial Court prepared a joint budget in early 1997; moreover, they established a joint position between 22nd Circuit Court and the 15th District Court. The current county-level budget in Washtenaw County has separate departmental budgets for the 22nd Circuit Court; the 14A District Court; the FOC; the estate division of the 81st Probate Court; the juvenile division of the 81st Probate Court; county support of probation services provided by the state through DOC; and the Juvenile Detention Center operated by the juvenile division of Probate Court. Budget integration was not achieved during the demonstration project because of inherent difficulties in (1) coordinating differences in fiscal years, (2) differences in fiscal philosophy, and (3) the preference of the funding units to deal with district court administrators rather than Trial Court administrators.</p>

TABLE F-2. PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN WASHTENAW COUNTY *

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
<p align="center">Internal Stakeholders (11 focus group members)</p>	<ul style="list-style-type: none"> • One judge to handle one family • One trial court split into three divisions with all judges trial court judges makes a lot of sense. In the past Michigan had too many levels of courts • One stop shopping, not one location • Good to have everything under one system. There is a big difference now • Consolidation of all entities for cooperation and one common goal • Cooperation and judges helping each other is evident • At first fearful but now realize benefit to court's clients • Increased understanding of roles and duties of other court staff, increased respect for each other. Increased camaraderie • Now able to retrieve information from computer from other districts • Judges are now more decisive, efficient, and effective. Judges are doing other cases • Computer system allows staff to look up tickets for people • At first beneficial when judges traveled to outer locations • Expedited case flow • Early on in the project, relief for Judge Francis was good • More effective for family cases now that specific judges assigned • Other judges who come in have new respect for FOC because they realize how FOC helps them do their job. Also judges see how long it takes to process cases through FOC • Improved service to citizens • Cases go through process faster • Court staff can tell litigants which judge/courtroom they are assigned • People are clearer as to who the judge is for their case 	<ul style="list-style-type: none"> • Had hoped computers would enable family court staff to have improved access to better serve clients • Demonstration project did not affect juvenile court, just a name change • There is no way they are going to do it. Thought it would never work • A lot of turnover in juvenile court • Too much politics and depends upon how well judges cooperate with one another • When district judge went up to circuit and trial fell through, time was lost when staff had to travel too • People treated poorly and very confusing • Court staff not involved in planning • Court staff are busy all the time because always in the courtroom • Clerks not allowed to do transcripts in court anymore • Computer limitations on information regarding family and juvenile court cases • No coordination between FOC and juvenile court. One judge/one family would help communication • In June 1996, there was a meeting with all groups in which it was said that there would be increased communication but there was never another meeting • Newsletter would aid in increased communication as well as a phone directory of court personnel • Too much change in Trial Court leadership • Communication is important because people are resistant to change and if they know what is going on they are less resistant • Court staff statements such as "that is not in my job description" • Goals of demonstration project were never clearly defined to staff • Taking six or seven weeks to turnaround a short transcript • Morale is at its lowest point than it has ever been • Court staff steering committee (convened in 9/96 and dissolved in 4/98) did not have any input on decisions • Very chaotic in the beginning of project for 14A led to lowest morale point in process • Changes were made without advising court staff • Huge parking problem at main courthouse

* Source: May 1998 focus group meetings facilitated by NCSC evaluators.

TABLE F-2. PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN WASHTENAW COUNTY *

<p>Internal Stakeholders (11 focus group members) (continued)</p>	<ul style="list-style-type: none"> • New judges are a breath of fresh air. Gone now are the negative ones. With new staff and judges consolidation could work • Magistrates cover for each other • Moving in the right direction now. During the last year, things are improving 	<ul style="list-style-type: none"> • Court administrators and judges must relay changes to line staff • There must be a continuation of computer integration and training on the computer • Staff must be involved more because they are affected. They should have input • Staff received no support from management • Prior to implementation, more details must be worked out; like getting files and personnel to courtrooms that are moved • Initially much confusion as to whether circuit case or district case • Much room for improvement • Juvenile staff could have been drawn in more • Planning phase could have been much more effective
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* Source: May 1998 focus group meetings facilitated by NCSC evaluators.

TABLE F-2. PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN WASHTENAW COUNTY

<p>Institutional Participants (10 focus group members)</p>	<ul style="list-style-type: none"> • Trial judge utilized efficiently, with responsibilities defined by title • Now have two judges who specialize in family related matters. Fewer judges means that attorneys and litigants know what to expect • Improvement in process and wise utilization of services have been a blessing • Kinks seem to have been worked out. It is almost back to the way it was before project • Preliminary examination process in criminal proceedings very good • Many judges willing to work as a team and share courtrooms. Consolidation provides a structure for well meaning people to work together • Benefit in that new and more judges in court • Public Defender staff levels same as 20 years ago. Preliminary exams enable them to do more • Family law judges requested bar assistance with bench book • In civil matters, improved working relationships with judges • Attorneys appear before fewer judges • Added judges in family has helped with case management and should help speed things up • When returned to four criminal judges back to pre-consolidation status • Communication is happening. Now have regular meetings with district court personnel. There use3d to be an us against them feeling • Fortunate that Chief Judge is Judge Wilder who dealt with problems calmly • People rather than structure made it work • Got to know people at 7:30 a.m. meetings • Agencies get along • Weekend arraignments worked because staff worked hard • Improved collegiality 	<ul style="list-style-type: none"> • Criminal processing suffered while civil processing improved during '96-'97 • First year extremely frustrating • Consolidation was in effect for only a very short time period • Law enforcement felt a tremendous drain in prisoner movement when there were unannounced changes in docket • Procedural problems. All problems blamed on consolidation. Initially looked like a good idea but it has not worked out well • Steps to increase efficiency and effectiveness have not really happened • Creation of family division has put stress on prosecutor's office i.e. where should juries in juvenile cases be selected and seated • Not yet a true family court. 2.6 judges are now split between domestic relations and juvenile matters • Physical separation of family and juvenile courts does not serve children well • Security is inadequate at Service Center to handle domestic relations matters • Initially mass confusion which forced you to learn the system • Part of the problem is inadequate facilities and space. Had to use visiting judges for trials. Problem with finding jury room to deliberate • Increased the number of visiting judges • Believes that no one is responding to concerns. Detectives and investigators have to travel to Service Center now • Transport officers are now gone all day • Has not improved or worsened for FIA. Meet quarterly with the juvenile court • Inadequate courtroom scheduling resulted in chaos. Also courtrooms are shabby and not secure • Prisoners in public hallways and civil judges would get secure courtrooms. Facilities limited flexibility • Courtroom 7 is a dangerous courtroom • Insufficient facilities were a big factor. Relocation of 15th District Court compounded matters • Mistakes that court made cost other departments overtime • District court cross traing causes a lot of people to be in learning curve • Consolidation has had a negative effect on FIA. Judge Francis still handles a lot of matters. We are not there yet in family court, things are not necessarily better • Court did not obtain enough input from people who work in the system
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**TABLE F-2 (continued). APRIL 1998 PERSPECTIVES OF INTERNAL
STAKEHOLDERS ABOUT COURT OPERATIONS AND
DEMONSTRATION PROJECT IN LAKE COUNTY (N=8)**

Question Asked	Highlights of Positive Perceptions	Highlights of Negative Perceptions
<p align="center">Institutional Participants (10 focus group members) (continued)</p>	<ul style="list-style-type: none"> • Consolidation has had positive effect on Public Defender's office • Able to use court resources more efficiently • Innovative "Super Cobbs" Day • There is a huge benefit in that judges can cover for each other but case continuity suffers • Civil cases take longer so attorneys get to know the judge • Consolidation should continue. Should be wonderful when fully realized 	<ul style="list-style-type: none"> • Family court lost referees due to administrative restructuring. Took forever to get to court. Justice delayed is justice denied. Still short one referee. Previous referee who retired was very skilled • County commissioners control money • Initially justice suffered when felony warrants were issued for people who were in the correct courtroom • Consolidation has not improved the pace of litigation • Too many conflicting personalities on the bench • Costs county and attorneys too much money. Still have overtime problems with sheriff's office and Ann Arbor police department. There needs to be increased judicial responsiveness to law enforcement concerns regarding overtime. In general, the court needs to be aware of the fact that court change has a financial impact on all agencies • There is a need for specialization that outweighs the benefit of judges covering for each other • Tried to do too much. Every judge had to be reassigned and not enough lead time • Court should return to pre-consolidation structure • Consolidation should be terminated or re-evaluated • Cross designation is good but dates back to 1992. What is there to continue?

TABLE F-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN WASHTENAW COUNTY

Stakeholder Category	Highlights of Positive Perceptions	Highlights of Negative Perceptions
<p align="center">Informed Citizens (9 focus group members) (continued)</p>	<ul style="list-style-type: none"> • Trying to make things more efficient and to avoid duplication • Trying to comply with the spirit of the unified court • Benefit of consolidation is that state gave \$1.2 million to upgrade computer systems • Importance of One Judge/One Family • Consolidation has improved front end access in criminal matters with preliminary exams 	<ul style="list-style-type: none"> • Consolidation means lots of meetings, constant change, and lumping everyone together • Tremendous amount of tumult, shifting of judges. Loss of identity at district court level which has been co-opted to make circuit court easier • Judges come into position with expectations. Has been difficult for some judges to come under chief judge • Driven by bottom line in dollars not interests of people • Administrative mess. A process lacking integrity • Court in pilot project had unification, then dismantled it • Judicial egos in the way of a working unified court. Circuit judges do not help with district court cases • Consolidation dilutes attention on children. Importance of specialization with children in courts has been highly politicized • Courtroom at juvenile center so isolated. Juvenile judge is possessive of cases • Sounds good in theory in that equal sharing of workload by judges but has not happened • Constituents do not know whether to vote for circuit judge or family court judge • Goals of resources began to conflict leads to disaster when judges switch • Individual citizens treated poorly by the courts • Consolidation has emphasized the need for similar judicial philosophies • More judges are needed in some areas • Criminalization of children. They have no recourse to fair process. Problems with prosecutorial waivers • Space planning and facilities are an issue. Where do we put the family court? • Difficulty of rotating judges. Importance of specialization and proper training. Judges as a jack of all trades does not serve justice well • There are no uniform policies. A lot of work went into bench books which were never utilized • Administration of consolidated courts runs counter to goals • Specialization of judges is better • No easier to get hearings than pre-consolidation

TABLE F-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN WASHTENAW COUNTY

Stakeholder Category	Highlights of Positive Perceptions	Highlights of Negative Perceptions
<p>Informed Citizens (9 focus group members) (continued)</p>		<ul style="list-style-type: none"> • Problems of pro se parties not taken seriously by circuit court judges • Need to look at how court structures its family court. Caseload backlogs are well beyond legal maximums • Overall net loss to family court and district court • Problem was that extremely tight time line. Need more planning time to address issues such as facilities and union issues • No long term view of project. Did not consolidate clerk staff of district court and circuit court • Technology project was supposed to deal with issues of different courts • Consolidation effort no longer a community process. Used to be a lot of bench-bar committees. The bar used to have a seat at judicial conference.

TABLE F-3.
SUMMARY OF FINAL EVALUATION FINDINGS
UNDER SPECIAL CRITERIA FOR WASHTENAW COUNTY *

Special Criterion	Summary of Findings
<p>6A. What are the results of a court consolidation effort with multiple funding units in a larger urban setting?</p>	<p>In its revised 1997 management structure for the operation of the demonstration project, the court recognized the responsibility of the chief judges of the 14B and 15th District Courts to work separately with officials from their respective funding units. Yet the consolidation effort has not been hampered in its operation by the fact that there are three different funding units. Moreover, the operation of the project has resulted in greater coordination among court leaders and officials of the funding units. Most noticeable in this regard is the computer automation improvement effort under the demonstration project. The fact that the 14B and 15th District Courts are not funded at the county level will not prevent their becoming part of an integrated court information system with the county-funded court units. Washtenaw County is part of the greater Detroit metropolitan area and is one of the most populous and wealth counties in Michigan. In addition, Ann Arbor is one of the state's largest cities, and it is the home of a major university. These factors provide a more urban setting for court consolidation than is present in any of the other demonstration projects, and they have had a subtle impact on its character. Planning for improvements in court operations takes place in collaboration with a county government that has a sophisticated budgeting process and extensive capacity for development and maintenance of computer information systems. Proximity to the University of Michigan has meant, among other things, that court leaders have had access to the services of experts to aid their planning and implementation efforts. Because the courts serve a relatively large population, there are more trial judges and court staff than in any of the other demonstration projects. In a larger court operation, judges and staff members are less likely to know each other well and to interact daily with one another than their counterparts in less populous counties. In Washtenaw County, the movement toward greater coordination and cooperation through the 21st Century pilot project and this court consolidation demonstration project has had to deal with independent circuit court judges; the separate operations of estate and juvenile judges in probate court; and the separate operations of district courts. The sheer size of the bench has also probably provided more opportunities for conflicts among judges with strong personalities than would be possible in smaller communities. The size and wealth of the community and its proximity to Detroit also mean that the local bar association is larger and has more specialized practitioners than smaller communities, and this has made court coordination with the bar a more complex task.</p>
<p>6B. What are the results of trying a consolidation effort in a single-county circuit with judges traveling to hear cases in multiple court locations?</p>	<p>In addition to having multiple funding units, the courts of Washtenaw County have multiple court locations. The demonstration project continued the 21st Century project innovation of having all preliminary examinations in the county centralized at the county service center. In 1996, with civil and criminal division judges hearing both general- and limited-jurisdiction matters, district judges traveled regularly to the county courthouse to hear felony dockets, and circuit or probate judges traveled from time to time to hear limited-jurisdiction matters in outlying court locations. Unfortunately, this meant that the judges from the other court locations away from downtown Ann Arbor were less available in their own courthouses to hear cases and respond to issues raised by staff members. It also raised an additional issue: what court staff would work with judges when they traveled? At first, court staff were to stay in their current work locations, and only the judges would travel. Then it was decided to have a judge's court recorder travel with her or him. This caused further problems, however, because the traveling staff member might be unfamiliar with court staff and practices in a distant court location. The revisions in the structure of the demonstration project in early 1997 eliminated the combined general- and limited-jurisdiction criminal and civil divisions. While district division judges continue to travel to sit in centralized preliminary examinations and assist other judges of their own and other divisions of the Trial Court, the new 1997 structure results in less total travel for judges and dramatically less travel for court staff.</p>

* For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume Six: Final Evaluation of Washtenaw County Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter III.

TABLE F-3 (continued).
SUMMARY OF FINAL EVALUATION FINDINGS
UNDER SPECIAL CRITERIA FOR WASHTENAW COUNTY

Special Criterion	Summary of Findings
<p>6C. What are the results of the consolidated court's continuation of its strategic planning efforts and participation as a 21st Century Commission demonstration project?</p>	<p>Washtenaw County courts have a history of improvement efforts, including (a) their engagement of an outside facilitator to assist planning for change, and (b) their successful implementation of a pilot project under the Michigan Supreme Court's 21st Century Commission. These earlier steps have helped to lay the groundwork for the implementation of the demonstration project. Yet the progress made as a result of all the pre-consolidation court improvements in Washtenaw County has limited the amount of improvement that can be attributed to the operation of the court consolidation demonstration project. In many of the other demonstration projects, the most significant changes involve the very same improvements that Washtenaw County courts had introduced <i>before</i> the design and implementation of the current project. As a result, the demonstration courts that had not taken such progressive steps earlier are in a position to show much more dramatic improvements in their court performance than may be possible in Washtenaw County.</p>

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